App.F.IX-4

1926.

File No. 26-26

Previous References (Lr3)

Serial Nos. 172

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only

Part B for April 26.

SUBJECT

The Mysore Bond Bill.

Rmr

Preamble.

Whereas it is expedient to consolidate + amend the law relating to Local Boards + Village Panchayats (Act II of 1918), insofar as it pertains to District Boards' -

1. In proviso, for "in the manner" subs. "as"
"an Election" - Elections

2 (b) for V.B.V. Rules
after "subject to" insert
such restrictions + conditions" -
Says the Conditions if any may be
defined - It is a large power.
+ may be abused - Other words
"omit" - "restrictions and"

Supposing that there is
no change in area of the Board
+ no change of function -
Many allotted for the functions
+ for maintenance, shd not
be diverted

3 (1) for "and" substitute "Notwithstanding
for "to",

7 - after the word "Secretary"
S 7 (1) insert "(b)"
of "(b)"

B 28
15/4/26

10 (a) 6 months market
2 years
because, [illegible] will [illegible] can
& section not [illegible] like 180.
(b) 180 — like 180

(f)

(11) 'and/or'
& after 'and' leave
air space

11 (1) (a) add Library
Association.

12 section = Regulation
and ⇒ position after it.

13 (2) to the records

(4)

(6)

14. Begin with 'At any time'.
after proceeds and under sec 5

Any Councillor who stood for
election or any 10 persons
qualified to vote at that
election

15 Not M.V. - thinks the
provision is very hard - may
be compared to membership
Remain omitted.

17 (2) Very casual vacancies thing
[illegible] there is nothing to apply to first time
a nomination - nomination only
We do not provide for second
meeting [illegible] nice provision
provided - next cases
(Notice 21(2))

(1) Where the no. of duly qualified candidates does not exceed the no. of members required to be elected, the D.C. shall declare all such candidates duly elected.

(2) Where the no. of duly qualified candidates is less than the no. of members required to be elected or where there is no duly qualified candidate standing for election, the Dy. Comr. shall report the fact to the Govt. with proposals for nominating the required no. of members —

13. (2) a. Where the number of duly qualified candidates is not more than the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected.

b. Where there is no duly qualified candidate or where the number declared under cl (a) above, is less than the number required to be elected, the Deputy Commissioner shall report the fact to Govt with proposals for nominating the required number of members.

---

one third of the whole no of members of the DB shall form a quorum for transacting business at a meeting of the BD — If at the appd time of the meeting or within ½ an hour thereafter, a quorum is not present — the presiding authority shall adjourn the meeting to such hour on some future day as he may reasonably fix. He shall stand adjourned the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjd meeting the business which would have been brought before the original meeting shall be transacted whether there is a quorum present — provided that not less than five members are present.

~~During such discussion~~

1. Any Member of the Board may be chosen or elected to preside at the meeting during the Continuance of such discussion.

2 Either Sufficient or Correct of Hall.

17 (4), Cancel proviso on existing right—

18(3) omit. It will be not necessary to have such provision & there is also power to remove. A suitable candidate may be living within a short distance — unnecessary fetters the discretion.

29. 2 cos. Reduce to 14 + 10. present — 10 + 6 — Practical difficulties — Many references now in the meanwhile — Contains no pages quite enough

30 (2) omit last 6 words.

Vide 29(1) Bombay rules not inconsistent with rules & Govt also have power under Sec 99.

51.

12. (2) ~~(a)~~ Where the number of duly qualified candidates is not more than the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected.

(b) Where there is no duly qualified candidate or where the number declared under cl. (a) above, is less than the number required to be elected, the Deputy Commissioner shall report the fact to Government with proposals for nominating the required number of members.

31(1) Each D.B. shall consist of ~~the P. ex-officio and other~~ persons nominated from Parliament including the Minister in charge of the P. of any,

(~~& each~~ other members of the D.B., the Head or ~~one~~ members of the S.C ~~shall not be more than 7 nor less than~~ such 5 as the Board may determine.

32 (1) Ec. Committee - No to be given in rules.

32 ~~It shall be competent for the D.B. to~~ appoint as members of the said Committee any persons or either sex who are not members of the Board, but who may in the opinion of the Board, possess special qualifications for being on the Committee. ~~Such persons may be appointed by the Board or from persons~~ for the consideration of the Board in matters or subjects.

7. The said Committee either from the Board

33

The Board may co-opt, ~~as members of the Board~~ ~~Committee~~ ~~or some one or more~~ for a term not exceeding three years three persons of whom two shall be members of the Board, either the D. of Health or a medical officer of health, and one shall be a duly qualified medical practitioner or any two or more of them, to be a member or members of the said Committee

45

Copied - joins archi between - Orth Bd

N.B. - Sub-section to be finished added in class

Claim.

a

57 (f)

1 Subject to the bye laws made in this behalf, the President of the Board may grant the occupation or use of a road or land vested in the Board, for the erection of pendals, or for any other lawful purposes.

57 (3)) the magistrate [illegible]
with further

—8—

60 whether under
offences under Prevention of
Terrorism Act are also offences
under IPC etc & are
not compoundable, have
been compounded without
Objection from Ch. Ch.

—8—

Both under this Head
whether there are any
offences which are non-
-compoundable under the
Cr. Proc. Code. —

Note

I/C's & Commdts shall be
instructed to comply with
requests of the Draft Rs 7a
information etc

2. Draft, shd have power
to report higher authority
after inspection, any defects
they may discover

Sec 97 Mission officials are opposed to this Sec – They want permission of Govt before Deputy Comm. can act under this Section ..

Sir Crawford says, that no self respecting man can be on the Board, if a provision like Sec 91 is in the Statute book

The D.C. shd not be an inquisitorial officer to sit over the D.B.

Subject to such Rules as Govt may frame, from time to time, in this behalf

Note Direct Messages to be sent to the N.W.F. Govt

Provide in rules for obtaining the consent of persons owning immovable property

Rules to be framed by D.C. through the Clerk of Court and to be done by clerks

10. No person shall be —

(a) has been convicted by a Criminal Court of an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed.

~~(b) is an undischarged insolvent.~~

Provided that the

(i) the disqualifications in clause (a) ~~shall~~ will cease to operate after expiry of three years from the date of such conviction or acquittal;

(ii) the disqualification in clause (b) will ~~cease to operate~~ continue to operate after expiry of the period during which the person is ordered to furnish security, and

(iii) the disqualification in clause (c), will cease to operate after expiry of 10 years from the date of such dismissal, ~~dismissal~~ or removal ~~or earlier by the order of the Govt~~

12(1)
25 ½ the mate ✓
165 (3) ✓
56 (3)
66 (5)
5
94
97
Sch II (b)

Clause 7(C) Convicted or suffered sentence for an offence punishable with imprisonment for a term exceeding six months or transportation. Sentence not having been clashed or -- reversed or pardoned- disqualification will cease three years after expiry of sentence.

(D) Bankrupt - Cnit applies for insolvency only adjudicated person disqualified for a period of

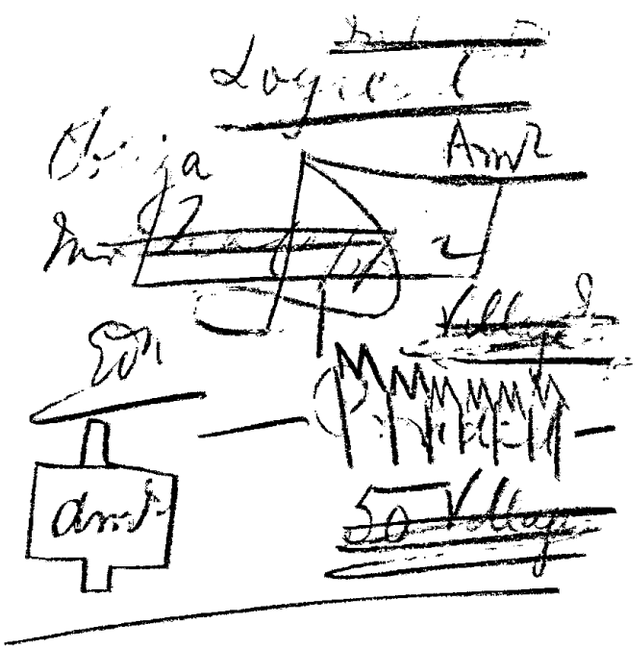
(E) Disqualified for the period during whr he has to furrish security for good behaviour.

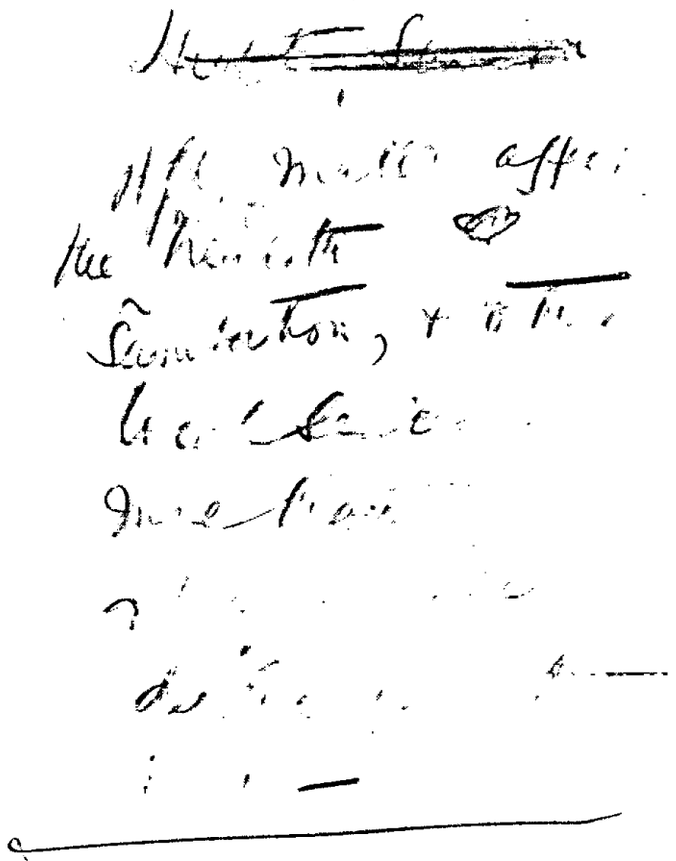
(Make the same changes for such clauses in all bills Municipal District Board etc.,)

In all instances where functions and duties relating to a village or villages are vested both in the District Board under Act-- and in the village Panchayats, such duties shall be performed by either to such extent and in such manner as may be determined by/general or -- special orders all cases of doubt or dispute shall be determined by the Deputy Commissioner subject to final orders of Government.

5.7.- The DB may for the time being
to such rules as may be prescribed
in this behalf make -

(2) any provision for





V. P -

20 (iii)
19 (i)
20 (i)
20 (ii)
20 (x)
20 (i)
20 (a)
20 (a)

B.B

45 (b)
45 (a)
45 (d)
45 (c)
45 (f)
45 (h)
45 (a)
45 (c)

Section 3

Section 4.

"Any ..." to be deemed to
include ... and
Singers ... to be

Section 57

Section 68

Section 95 (1)

Manner of publication
etc to be ... Laws

Rate of ... to
be ... to be ...

... to be given ...
opportunity ... before ...
for ... is given

Vide Rule 127 (1) - Procedure

Vide para 603 of the Report
of the ... Commission.

94A

... to have powers to ...
enquiry ... an officer
of ... Vide 128 A.

94B

Provision for ... of
contributions for ...
in the Ary Courts Officers ...

Transcription of Transcription ...

... amendment ...
... with ... Act ...

... Is this ...
No amend ...
the "Karma ...
to ex ...
only ...
Vide dep ...
commits ...
notifi ...

Add Sub- ...

Is action ...
municipal ...
Add the ...
" Province ...
fixed ...
an Officer ...
order ...

Add a ...

Vide ... Act ...
which ...

Vide ...

3 to be considered in connection
with Bill.

Clause 9. Provision for the case of persons Breaks attn.
without necessary as
to Bill may be authorised
persons under the Regs
exercising the functions
in of "District" which
limiting the area by a
Bdy.

Sections as per original draft

Clause in view of Regs?
Sec in Railway Bridges?
saving provision
no such period should be
as the Bd has been given
time to show cause why such
a not to be made.

Section as in Bill 128

Schedule of provisions
Section in the Select Committee
Amend the d-B & V.P Regs of 1948.

Bill 34. amend title on the Bill.

2 copies

~~Proposed Amendments~~

Further Changes adopted by the Select Committee at Bas Bish on the 25th March 1925

~~1. 24~~

Cl 29 ~~(1)~~ (2) (K) :-

Omit the words "supported by ~~not less than~~ and of members" in lines 3 and 4, and add after the word "passed" the following words —

"by not less than one half of the whole number of members".

2. Clause 45 :-

(1) ~~At the~~ ~~In~~ sub-Clause (a) ~~add~~ insert the words "which are not under the control of Village Panchayets"

(2) ~~In~~ At the end of sub-Clause (b) insert the words "in the control"

(3) After the words "water works" in sub-Clause (d) add the words, "which serve more than one village Panchayet, and".

(4) Substitute the following for sub-clause (f).

"Measures necessary for the public health, Sanitation and other local Services affecting villages in different Panchayets and control of and Sanitation during, Jatras or fairs and festivals"

(5) At the end of Clause (o), insert the words "in the District"

3 Clause 66 sub clause (1)

after the word 'bridge' in line 2,
insert the words "or in the District

4 Clause 97 Omit the ~~village~~ words
"or village Panchayet"

5. Schedule II (A) For (A) substitute the
following:-

"(A) as a ~~dairy~~ hotel, restaurants
eating-house, coffee-house, sweetmeat shop,
bakery, boarding house or lodging house
(other than a ~~the~~ Students' Hostel under public
or recognised control) or for manufacture
ice or aerated waters

6 Clause 57 (1) After the words from time to time
add the following and subject to
such rules as may be prescribed by Govt. in this
behalf and

(2) At the end of the clause add
the following.—

Any person infringing
any bye-laws made under
this Regulation shall on conviction
before a Magistrate be punished
with fine not exceeding fifty rupees
for each offence, and in case of a
continuing offence with a further
fine not exceeding ten rupees for each
day after written notice of the offence
by the Disc Board".

7 Clause 10 (1) For Sub-Clause (a) substitute the following ——

(a) has been convicted by a Criminal Court for an Offence punishable with imprisonment for a term exceeding six months or ~~to~~ transportation, such sentence not having been subsequently reversed or quashed.

(2) In Sub-Clause (c), after the word 'Service' add the words "and ~~has been~~ debarred from being re-entertained in such Service".

(3) For the existing proviso, substitute the following proviso ——

"Provided that ——

(i) the disqualification in ~~Sub~~ Clause (a) will cease to operate after expiry of three years from the date of such Conviction and that in (b) after expiry of the period during which the person is ordered to furnish Security; and

(ii) the disqualifications in Clauses (c), (d) & (e) will cease to operate after expiry of 10 years from the date of such dismissal, withdrawal or removal

9.B

8. clause 28

Subsidiary decision arrived at today & be incorporated in the final draft

28/11.

(1) In Sec. 28, add the following sub-clause and (4) :-

"

Notwithstanding anything Contained in Sec. Sec. (2) & (3), it will be open to a Court to direct that a Vacancy be left unfilled until the next ordinary election of the term of office of that Vacancy will... in the ordinary course of events, have determined within six months of the occurrence of such Vacancy."

9. clause 14(1)

(2) In Sec. 14, Sub-cl (1), in line 3, after 'apply', add the words "together with a deposit of fifty rupees as security for costs."

10 clause 20

(3) Insert, with necessary changes, Sec. 37 of the Mun. Regn. as sub-clause (1) to Sec. 20, the present Sec. being sub-clause (2).

11. clause 45(2)

(4) In Sec. 45, Sub-clause (2), add the following as sub-clause (d) :-

"

(d) to encourage and develop Co-operative Societies in the district."

(5) Clause 65

~~Sec. 52~~. Begin the ~~Section~~ clause with

"Shall be entitled to ~~a~~ BD" and

by "Subject to ~~the~~ between BD" and

"within".

~~In Sec. 60~~, Add the following

at the end ~~of~~ ~~the~~ clause

"Sums paid by way

of composition under this section

shall be credited to the Fund".

~~In Sec. 97~~, omit the words

"and binding" at the end of the clause.

~~In Sec. 105~~, (i) in line 6, substitute

'stating' for "explicitly stating"

(ii) In line 7, after the

words "or" Cause of action insert

a comma and add the words

"the nature of relief sought,

the amount of compensation (if

any) claimed",

(iii) In line 8, ~~after~~

"relating", substitute "intending"

(iv) ~~After~~ at the end of the clause,

at the end of the section, omit the full

stop and add "except in suits for the

recovery of immovable property or for

a declaration of title thereto"

13. Clause 60

14. Clause 97

15. Clause 105

16 clause 29

18. 1 Sec. 29. Add the following as the clause in the Bill

A A

5. ~~10~~ In Sec. 29, clause (2) (f), after the word "present", add "and Voting,"

~~21~~

A H "It shall be competent to the -- Government to declare that any District Board established under the Mysore Local Boards and Village Panchayets Regulation, 1918 and the existing - immediately prior to the commencement of this Regulation in the District -- shall be deemed to be a ~~Local~~ District Board established under this Regulation and exercise all the powers of a ~~Local~~ District --

---

Board under this Regulation until such date as the Government shall fix in -- this behalf. The President, Vice- -- President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be deemed to have been appointed or elected under the provi- -- sions of this Regulation and their - - term of office shall expire on the --- aforesaid date fixed by the Government"

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This is necessitated by Section 45(3) which was not contemplated by the Select Committee when their decision. Of such Sections Counsel was not aware when he drafted the Bill.

Subd

Changes made at the final meeting of the Select Committee appointed to Consider the District Boards Bill are incorporated and the papers are submitted for approval of the reasons assigned for the Changes. The Changes are in the following pages:—

5, 6, 10, 14, 16, 18, 20, 25, 26, 28, 31, 35, 38, 51, 52, 53 and 54.

The use of the word "Conviction" in Sec 10 (page 6) may require consideration in the light of the discussions today.

On page 52, the addition of the words "except in Suits for immovable property .... thereto" to Sec 105 may possibly give room for a doubt whether it is the necessity for the notice that is dispensed with in such cases, or only the details to be mentioned therein. In the reasons Column, I opt for the latter interpretation

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

G.R.S. III—3]

Routine Notes.

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Routine Notes.

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Note

Mr Seethayammal

Please prepare a detailed note answering the various points taken by Dissenting Note of Messrs N & G. (Public) in the wording as changed in other Bills the Board he has been paid — I have held from the original wording that the intention was assessed' & not paid' Please look up the Note of Speech of this Dissenting Minute as published after P. Bill — the mistake did be rectified & addition the words & Select Com. Report Municipal Bill'

Noted. A detailed note will be given separately. WS 24/12/25

2. Mr Ranjundas's Dissenting Minute has been by Messrs not published. Where is it? ... Not yet received.

Municipal Bill. Sec 48 does not read well — is after Sub-clause iii' the proper place? See wording of iii

I do see any objection that no further change is necessary.

4. Gaz. Page 224. 3rd Column (4) Omitted. Is this correct Number of clause?

Sub-clause (b) is omitted and not (5) is changed to as (4) & (5) are co-operative.

5. Mr Gannior Yousef has not quite precise been ~~explained~~ Charles in the Headings. Sh. I regret escaped my notice. ~~All Stamps~~ 'Clauses of the Bill' which require 'Change' — is not the proper heading. Should have been 'Clauses in the Bill' only & the words 'Change' & amendment Shd not have been used for the same purpose. Noted & attended

The wording appeared good when in the body of the Report of the Select Committee was adopted necessary changes have been made as now directed.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

6. Please underline in red ink throughout or transpose the word 'Changed or added by Select Committee' Dr Wilson's Minute ~~Omitted~~ changed, transposed in brackets in

This has been done and a copy is

G.R.S. III—3]

Routine Notes.

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Only to brackets in 'Clause 9 bill' Column
Clause 9 of the bill' Column 2
This was done in print the
work we have been through
& legislators than usual.

Page 232. "Not much (watch
for rats)"! Let me see the
last [first] corrected [name]
proof

this was suggestion
but it was
not approved
Between then was
no time to do all
this as the matter was
urgent to be passed
on 17.12.25.
01 - all see

Clause as amended by
Si Coc' Column two copies
the first done at once;
other copies made for
subsequent
Clause 9, members of
Legislature for L.C. members.
In a Whole clause
section is changed
the red line may be
in the margin

Page 239 The only alteration
between 1st & 2nd
between columns Printed
is "Election" instead of "an
Election" to be there a mistake?

Page 240 Clause 11 Only for
Commas?
do. clause 9 was section
1 in orig bill a mistake?

"Provision" when finally the bill is to be law
is wrong for "provisions"

Page 246. 3 Whole number' defined
does to include [casual]
Vacancies not filled? If
not needs add to definition
& be proposed as Govt amendment or changed
when finally published if time is
allowable

Page 247 Please see [cl 29 (1)(e)]
requires a change on account
of proposed add to 29(2)(k)

Page 248. 33(1) The wording is inconsistent
"either or or" is wrong & the wording "there is no scope for members"
"either" has to be omitted,
one or more of subs to be used
Please consider the various
suggestions for amendments

Words may be substituted
or it was by mistake omitted.
The intention is clear from
the reason given for the change.
No assistance change was necessary

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Page 249. 45(1) "and" is better than "but"
in line 2 & Commas need after "of"
and for". These changes may
be made when final Law
passed.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Page 251. 54 (1). I see no change. Why printed?

This was inserted as it explains what is meant by public carriage etc used in the subsequent sub clauses.

Page 252. 5 Y (1) (c), (ii)

No change — why printed? Bracket to be put in instead of Comma after c,

If "or" is omitted. Hence its insertion

Page 253. 5 Y (1) (ii) why is 'and' left out in 2nd col?

This is a mistake in printing. The omission is rectified now

Do Why is 5 Y (1) (ii) for Comma?

Do Why 5 Y (1) (vi)? No change?

The entire sub clause is printed in two for the sake of convenience and easy reference

Page 254. 5 Y (11) (i) is a mistake for (viii) only?

There is no mistake. This is 57 (1) (n) (i) coming after 57 (1) (n)

5 Y (2) is mistake for (2)?

There is no mistake. This is sub clause (2) of clause 5

How 5 Y (2) passed in that form by Select Committee the last clause is ambiguous wording as in other sections why not adopted Each day after conviction or day after conviction or after such time as may be prescribed by the Magistrate

This may be done if necessary as part amendment.

60. (11) (c) Comma needed after Which

This is inserted as directed

Page 255. 66 (9) Last Column — Change should be Change'

correction made as directed The mistake was not rectified in the proof in spite of the correction made in the final proof

Page 256. 72. Form' should be form'

Page 257. 76 (4) Non one' & any is wrong. Should be anyone' & any other

Necessary addition made.

76 (5) This needs to be added after Car or which cannot be moved by reason as provided in sub clause (4)

Necessary addition made. The principal Act does not contain it neither is it to be found in the sub clause. The sub clause is for providing for exemption in excess of the tax granted. Sometimes and the question may be taken up in the appeal office. The expenditure incurred even in filing appeal on the ground of error in the assessment

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Page 258. 79 add of before its assets

As directed

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Page 75-9. 91 (a) Comma instead of full stop

92 (1 add Boards' after Board

(b.1 add ~~Boards' after Board~~

Substitute 'a' for 'the'

& add 'or the District' after Committee (two) to provide for more than one D.B.

Page 260. 94(1) Comma after

& 105. Immediately (Words ~~Forthwith~~ ~~Ceased~~ Examine the last claim when not quite satisfy & perhaps any letter and make possible

Page 261. 107 (1), & (2) Quite in my copy Semi after these Section

Page 262. Schedule 2 etc. Why printed?

Village Panch. Bill

Page 268. Shift one '(c) and moved to last column.

Page 269 — 16 The Secy if any or' is wrong. The intention was 'The Secy if any' & if there is no Secy any Member &c. Secy & note

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Where ~~the~~ Modify means, or. Case as to. It now means that Secy if there is a Secy Some one else on his behalf.

The idea is that when there is no Secy appointed, any member should be selected to be in charge of the office of the Chairman. Hence a modify is necessary. The Secy, if any, or any member selected by the Panchayat in case & where no Secretary is appointed, Shall be in charge of the Office of the Chairman.

3

3.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Page 272 30(1) 1st and second columns. after 'Thereon' add below (i) (ii) etc. This will make meaning clear. — Attended to

Page 273 – 35. 1st or column Substitute 'all' for 'both'. — Attended to

Page 274. 36A 1st or 2nd Insert in the Marginal Note the word 'maximum'. — correction made

Where the word 'assets' was D.C. of the Brother? Then word should be added after D.C. Comm in all the places — The original intention in drawing the words was to exclude the Appt. Comm's] ~~exercise from exercising~~ the practice and custom for proofs ~~claims~~ of the Dy Comm ~~by the~~ Dy Comm. Later on in cl 42 the powers to exclude were specified clearly. ~~If this is not sufficient, for the word "it" can be substituted for "it" throughout the Bill~~

Page 275. 38(4) Either 'arrear' or 'means the' ~~but he shall~~ may mean the same, add 'As arrear' after 'due' to make the sense clear. — This is necessary for the certificate is conclusive evidence of these distinct facts. Necessary addition made. There is no other change

Page 276 47 (1)(a) only Comma after 'P'.

Page 277. 49(1) for the Marginal Note, if in line 3 Substitute 'and is' and add in line 5 'he' before 'may'. — Attended to

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Page 277. 50 (2) Why is "the" Amritsar changed to "an Amritsar"? See orig mat

In the first column "me" is a misprint for "an". (4) is correct.

Page 278 - Language to be followed. Change to declare, by an order published in the Official Gazette, with the reason for making it, the Panchayet — i/s 4 L.L. See agenda.

Page 286 .. 57. 63 (2) Versus 65 (2) .. is only for numbering, may be omitted as all sections to be renumbered once for all

many pros ... adam before "one". so it is not omitted.

Sd.
21/12/25

Seen with a copy of the Press Reports and the action taken with regard to the points.

RS
24/12/25

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Govt Bill amending 19 (1) | 30 (3), Pay & Leave rules, 57 (2), 5

56 (1) Hotels in respect of market etc

Sale in wholesale market? 71 Rev

75 why penal enhancement?

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Dr Rama Rao with Compliments

I have made certain suggestions for improving the Select Committee Reports, which please pass on to the Secretary. Some mistakes, I see, are due to the Press, some are due to the Secretary's own typist. In these printed documents absolute accuracy is essential.

Just suggest the Statements only being printed again under your signature in all cases where, as I see here, as printed mistakes (Select Committee & Parliament) & particularly in the red brackets in the clause as it is, and underlining in the clause as changed

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

vide paper C in the Notes.

You may perhaps say proposed by the Select Committee, & reprinted, for facility of reference, the changes proposed; & correct a few mistakes".

(if Lt. Secy agrees)

Do avoid the use of

Wish Abdul Ghani,

Can I have the Press Note & letter to Press

Lt/11

Mr. Sastri is driving at once to the aerodrome to see him off tomorrow morning. Will you please see that it is done.

I have gone through the suggestions made. I have made certain remarks against some of the suggestions. The amendments are clearly explained in the notes. Please be good enough to make the amendments and corrections as may be necessary.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Mr Davies Mrs Gann &
Mr Lee to see & did
see the trial proof in
the Press itself & see that
the printers don't make
mistakes

Shd appear
Year Gazette.

Only points that
L.L. see yourself, Mr
Gann or Mr S. wishes
further discussion need
be brought up. On
all others action may
be taken
in the half margin of sheets &
~~blocks~~ what — is
required or don
be submitted

Lee
21/12/25

The replies were sent to the Lord
Mayor and also read out
as directed by him. The Reply

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

was received as instructed
and sent to the Press. A proof
in manuscript for Gl 57(2) is
also given to-day as previously
instructed.
AS 1/1/26

Mrs S. shd please
forward by this Evening's
2 Copies of the
Underlinens &
Packets (in red
ink) of
printers
enclosed

Lee

Copies of slips prepared and
sent to the members
of the Press
through the P.R.
AS 2/1/26

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Mr Lee to see me

Please arrange
to let me know when you
are on Monday
whether Mr. Rajendra
Pal's passport was sent
back, & if so when, why
not published, as also
Mr Rajendra Rai's
sister with premium
refd,

Lee
25/2

G.R.S. III—3]

Routine Notes

[To be used only for notes, requisitions etc., not intended for permanent record.]

Mrs Mc Ke Simpson
again. By Mrs
Secretariat &
Cash up for
Monday 28th
at 9 AM.
DC
24/12

N.B - Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

(This copy contains the origin of each section)

THE MYSORE DISTRICT BOARDS BILL.

Whereas it is expedient to consolidate and amend the Law relating to District Boards and District Funds, it is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

Short Title.

1. (1) This Regulation may be called the Mysore District Boards Regulation, 1925.

Extent.

(2) It shall extend to the whole of Mysore.

Commencement.

(3) It shall come into force in any District on such date as the Government may, by notification, direct.

Provided that it shall be lawful, at any time after the passing of this Regulation, to hold ~~an~~ elections in any District in the manner prescribed in this Regulation or the rules framed thereunder but such election shall not take effect till the commencement of this Regulation in that District.

Assam Act

Repeal and Savings.

2. On this Regulation coming into force in any District

(*a*) the Mysore Local Boards and Village Panchayets Regulation, 1918, in so far as it relates to Local Boards, shall be repealed in that District and

(*b*) every District Board, Taluk Board, Committee or Joint Committee, constituted or appointed under the aforesaid Regulation shall cease to exist in that District :

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918 ;

(*b*) any appointment, notification, notice, order, scheme, license, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918, or under any enactments or rules thereby repealed, shall, so far as may be, be deemed to have been made, issued, imposed, entered into and instituted under this Regulation ;

given

given .

(*c*) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such ~~restrictions~~ and conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation.

Interpretation.

3. In this Regulation—

(1) " District " means any local area, which for the purposes of the collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the Official Gazette, from time to time, declare to be a District or to be attached to and to form part of a District ;

(2) " Deputy Commissioner " includes the officer in charge of the Revenue Administration of a part of a District declared as aforesaid to be a District for the purposes of this Regulation.

(3) " District Board " means any Board constituted under this Regulation.

(4) " Prescribed " means prescribed by rules made under this Regulation.

CHAPTER II.—CONSTITUTION OF DISTRICT BOARDS.

Establishment and incorporation of District Boards.

4. (1) As soon as may be, after the commencement of this Regulation, the Government of His Highness the Maharaja shall, with effect from such date as it may appoint, establish by notification in the Official Gazette, for each District, a District Board having authority over the entire District, provided that such portions of the District as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation. 1906, shall be excluded from the jurisdiction of the District Board.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall

have been established shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of District Boards.

5. (1) Every District Board shall consist of—

(*a*) elected members, (*b*) such persons, if any, as the Government from time to time appoints by name, who shall be called "nominated members," and (*c*) *ex-officio* members, if any, as the Government may appoint under sub-section (2).

(2) Any Officer of the Government may be appointed by the Government by his official designation only to be *ex-officio* a member of the Board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the Board in succession provided that the combined term of office of such persons as members of the Board shall be limited to the term prescribed in Section 24.

(3) The number of elected members shall be not less than two-thirds of the whole Board, and the number of the salaried servants of the Government shall not exceed one half of the remaining strength.

Government may determine the strength of the District Board and the number of members to be elected or appointed as ex-officio or by nomination.

6. The Government shall, from time to time, generally for each or specially for any particular District Board fix—

(*a*) the total number of members.

(*b*) subject to the provisions of the last preceding section,

(*i*) the number of members, who shall be elected, and

(*ii*) the number of members, if any, who shall be appointed *ex-officio* or by nomination

and may alter any number so fixed.

Elected members of District Boards by whom to be elected.

7. The elected members of District Boards shall be elected by general and special constituencies and the number and extent of such constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf.

Deputy Commissioner to keep lists of voters.

8. (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his District of the persons qualified to vote in such constituency at elections of members of the District Board.

Data for preparation o

(2) Such list shall be prepared by the Deputy Commissioner whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Government so directs, and shall be based upon such information as shall be available in the records of the Deputy Commissioner and of the officers subordinate to him.

Revision and publication of lists.

(3) The list prepared under sub-section (2) shall be revised and published in accordance with such rules as may be prescribed by the Government.

Lists conclusive evidence of right to be elected or to vote.

(4) No person whose name is not in the revised list last published before the date of any election shall be qualified to be elected or to vote at the election of a member for the constituency for which such list has been prepared.

What persons may be voters at elections.

9. Every person who is not less than 21 years of age and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder shall be entitled to have his name entered in the list for a constituency prescribed under Section 7, qualifying him to vote at elections of members of District Boards in such constituency if he,

(*a*) in the case of a special constituency possesses the qualifications prescribed by the Government in this behalf,

(b) in the case of a general constituency possesses one or more of the qualifications described in schedule I and is also a subject of His Highness the Maharaja by birth or domicile and has resided in the Mysore State or in the Civil and Military Station, Bangalore, for six months prior to the date fixed for the preparation of the electoral list.

Explanation.—"Subject of His Highness the Maharaja by domicile" means one who resided in the Mysore State or in the

Civil and Military Station, Bangalore, for a period of not less than five years.

General disqualification of voters.

10. No person may vote who–

(a) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(b) is a person against whom an order has been passed under Section 180 of the Code of Criminal Procedure, 1904, in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed, or

(c) has been dismissed from Municipal, District Board or Government service, or

(d) was a legal practitioner whose Sannad has been permanently withdrawn by a competent court, or

(e) has been removed from office under Section 27, or

(f) is a legal practitioner whose sannad has been suspended by a final order of a competent court, during the period of such suspension; or

(g) is of unsound mind, or

(h) is an undischarged insolvent.;

Provided that—

the disqualifications in clauses (a), (b), (c), (d) and (e) will cease to operate after expiry of ten years from the date of such sentence, order, dismissal, withdrawal, or removal or earlier by an order of Government.

Qualification necessary for election to District Boards.

11. Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female, or

a salaried officer or servant of the District Board or the Government, and

who has not directly or indirectly, by himself or his partner any share or interest in any work done by order of a District Board or in any contract or employment with or under or by or on behalf of District Board,

may be a candidate at any election in such constituency:

Provided that

(i) no person shall be disqualified by reason only of such person

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted; or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board; or

(d) being professionally engaged on behalf of the District Board as a legal practitioner;

(ii) a person who is already a member of a District Board shall not be entitled to be a candidate at a bye-election held before the expiry of his term of office as member of such District Board.

Vacation of seats and re-eligibility of members.

12. (1) If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the Board.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question dispute or doubt.

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall, if otherwise duly qualified, be subject to the proviso to section 11, eligible for re-election or re-appointment.

Elections when to be held and provisions for elections or nomination in particular cases.

13. (1) Subject to such rules as may be prescribed in this behalf, every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf.

(2) Where there is no duly qualified candidate, the Deputy Commissioner shall report the matter to Government with proposals for nominating the required number of members and, where the number of duly qualified candidates is less than the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected and shall report the fact to the Government with proposals for nominating the remaining number of members

(3) When the number of duly qualified candidates is equal to the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected.

(4) If at any election of a member of a District Board under this Regulation, there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected, the determination of the person or persons to whom one additional vote shall be deemed to have been given shall be made by the Deputy Commissioner or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.

(5) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.

(6) In cases falling under sub-section (2), and when at any contested election no votes are recorded, or for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Government shall appoint the required number of persons, being persons who would have been qualified to be elected and persons so appointed shall be deemed to be members of the District Board as if they had been duly elected.

Determination of validity of elections; enquiry by Judge; procedure.

14. (1) Any person qualified to vote at an election may, at any time within fifteen days after the date of the declaration of the result of an election or the date of an order or proceeding, apply to the District Judge of the District within which the election has been or should have been held, for the determination of the validity of the election or the legality of the order or proceeding in question.

(2) An enquiry shall thereupon be held by the District Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or some other officer empowered in this behalf under section 13 or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps will be taken for holding a fresh one.

(3) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (4), he shall declare

acts as a member of the District Board in any matter relating to a contract or agreement between the Board and the company or society or the manager or publisher of the newspaper described in the said clauses, or

(c) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for ~~six~~ consecutive ~~months from~~ meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant. Bom. 30

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute or doubt. do.

Removal of members for misconduct, etc.

27. The Government may, if it thinks fit, on the recommendation of a District Board, remove any member of such Board, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board, or has refused to act as a member. Bom. 31

Vacancies to whom to be communicated.

28. (1) On the occurrence of any vacancy in a District Board, the President shall forthwith communicate such occurrence to the Deputy Commissioner. Bom. 32

Casual vacancies how to be filled up.

(2) In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up, ~~as soon as conveniently may be~~, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred. Bom. 33

Deputy Commissioner to submit proposals to Government whenever a vacancy is to be filled up by nomination.

(3) If the member of such Board whose seat has become vacant was a nominated member, the Deputy Commissioner shall submit to Government the name of a suitable person for nomination in the vacancy. Bom. 32

CHAPTER III.

CONDUCT OF BUSINESS OF DISTRICT BOARDS.

Meetings of District Boards.

29. (1) A District Board shall meet for the transaction of business generally at District Headquarters and occasionally at other places with the permission of the Government, once in every three months and shall, subject to the provisions of the following sub-sections, make, from time to time, rules not inconsistent with this Regulation and with any rules or orders made by the Government in this behalf, with respect to the appointment, powers and proceedings of Committees and the day, hour, notice, management and adjournment of meetings of itself or its Committees and generally with respect to the transaction of business thereat, as it thinks fit. Bom. 35 Mys. 37 & Rule 13

(2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the dates of ~~the~~ each subsequent quarterly meetings shall be fixed at the previous meeting of the Board ~~and~~ the President may, whenever he thinks fit, and shall upon the written request of not less than one-fourth of the members ~~and~~ for a date within twenty-one days from the receipt of such request, call a special meeting. When the President and Vice-President are unable

the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2) and shall set aside the election of such candidate if he has been elected.

(5) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote;

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit," includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before a District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(6) If the Judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the judge shall be conclusive

Provided that such person may by an order of the Government in that behalf be at any time relieved from such disqualification:

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Voter disqualified for corrupt practice.

15. Any person who has been disqualified from being a member under the last preceding section, shall, for the period for which the disqualification is to last, be disqualified from voting at any election to a District Board.

Publication of names of members in the Official Gazette.

16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the *ex-officio* members, if any, appointed thereto shall be published, as soon as conveniently may be, in the Official Gazette.

Presidents.

17. (1) Every District Board shall be presided over by a President, who shall be selected from among the members and for this purpose may be either—

(*a*) appointed by the Government by name; or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf; or

(c) if the Government so directs, elected by the District Board.

Effect of notification of *ex-officio* President.

(2) When an office has been notified under clause (b) of sub-section (1), the person from time to time executing the functions of that office shall be and shall continue to be President, unless and until such notification is altered or rescinded by the Government, or until his term as member expires.

Deputy Commissioner to be President in certain cases.

(3) During the period intervening the expiry of the term of a President on the reconstitution of a District Board and the election or nomination, as the case may be, of another President, the Deputy Commissioner shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, take the place of the President and be an additional member, if he is not already a member, of the District Board, until such elected or nominated President enters on his duties.

Vice-Presidents.

(4) If and whenever the Government so directs, there shall be a Vice-President for a District Board elected by the members from among their own number, under such directions.

Presidents and Vice-Presidents to be nominated in default of election.

18. (1) The election of the President or the Vice-President shall be made subject to the rules prescribed in this behalf and if any District Board fails to elect the President or the Vice-President in accordance with such rules, the Government may appoint a President or Vice-President as the case may be.

Elected Presidents and Vice-Presidents not to be salaried servants of the Government.

(2) A salaried servant of the Government shall not be elected President or Vice-President of a District Board and the election of such servant as such shall be void.

Presidents and Vice-Presidents to reside at District Headquarters.

(3) Every President other than an *ex-officio* President and every Vice-President of a District Board shall reside at the District Headquarters of the District for which the Board has been established.

Functions of Presidents.

19. The President of a District Board shall—

(a) preside at the meetings of the Board ;

(b) watch over the financial and executive administration of the Board and submit to the Board all questions connected therewith which shall appear to him to require its orders ;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board ; and subject to the rules at the time in force, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowance s; and

(d) furnish to the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93.

Emergency powers of President.

20. The President of a District Board may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or saftey of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund :

Provided that—

(a) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Standing Committee at its next meeting.

Bom. 24 Mad. Reg. 23

21. The Vice-President of a District Board shall— Functions of Vice-Presidents.

(a) in the absence of the President preside at the meetings of the Board

(b) exercise such of the powers and perform such of the duties of the President as the President may, from time to time, depute to him; and

(c) save as provided in Section 17 exercise the powers and perform the duties of the President pending the succession, appointment or election of a President, or during the absence of the President on leave.

Bom. Mad. Reg. 23

22. (1) Except in the case of a salaried servant of the Government who is either an appointed or an *ex-officio* President, every President and Vice-President who, for a period exceeding three months, shall absent himself from the District in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted— Consequence of absence of President or Vice-President without leave.

(a) by the Government in the case of a President appointed under Clause (a) of Sub-section (1) of Section 17.

(b) by the Board in the case of an elected President or Vice-President.

Bom. 25

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President, or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave. Limit to the grant of leave and arrangements pending absence of President or Vice-President

Bom. 26 B. 40. 27

23. (1) The term of office of every President or Vice-President shall cease on the expiry of his term of office as a member of the District Board over which he presides; Term of Office of President and Vice-President and their liability to be removed

Provided that he shall be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or in the case of an elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Bom. 26

(2) In the event of the death, resignation, or removal from office of a President or Vice-President or of his becoming incapable of acting, or ceasing to be a member of the District Board, previous to the expiry of his term of office, the vacancy shall be filled up as soon as conveniently may be by the election or appointment of some other member of the Board thereto. Casual vacancies in their office how to be filled up.

Bom. 28

24. Except as is otherwise provided in this Regulation, members of District Boards shall hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same. Term of office.

Bom. 29

25. The Vice-President or any member of a District Board other than the President, may resign his office as a member of the Board by giving notice in writing to the President. The President may resign his office as a member of the Board by giving notice in writing to the Government. Resignation of office as member of Board.

Bom. 30

26. (1) Any member of a District Board who, during the term for which he has been elected or appointed, Disqualification of member after election.

(a) becomes disqualified, under section 10, or

(b) having any share or interest such as is described in clause (a) or (b) of proviso (1) to section 11,

or fail for any reason to call a meeting, the Deputy Commissioner may exercise the powers of a President for that purpose.

(*b*) ~~Twenty-one clear~~ days' notice of a quarterly meeting and ~~fourteen clear~~ days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be ~~circulated~~ to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in ~~any~~ written request made for such meeting.

(*c*) If less than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the District Board Office and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there is a quorum present or not.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(*e*) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(*f*) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present, the President, Vice-President, or Chairman, as the case may be, having a second or casting vote in all cases of equality of votes.

(*g*) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

(*h*) If the ~~presiding authority~~ is believed by ~~the~~ members present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, ~~be required to absent himself from the meeting during such discussion.~~ ~~Vac not precise~~

(*i*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*j*) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*k*) No resolution of a District Board shall be modified or cancelled within ~~three~~ months after the passing thereof, except

by a resolution supported by not less than one-half of the whole number of members and passed at a quarterly or special meeting, whereof notice shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government Officers, if any, present under the provisions of Section 35 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice-President or Chairman of such meeting and shall at all reasonable times be open to inspection by any member of the Board or by any inhabitant of the District.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Deputy Commissioner, ~~who shall submit the same to the Government with his remarks, if any,~~ and the Government may pass such orders thereon as it may think proper.

Vacancy not to affect proceedings of Board or Committee.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

Interpellations and Resolutions.

30. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area, and may suggest any improvements which may appear desirable.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board ~~and the Government in this behalf~~.

(3) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the District other than those coming within the purview of this Regulation.

Standing Committee.

31. (1) Every District Board shall appoint a Standing Committee consisting of such number of members not being more than 7 and not less than 5 as the Board may determine.

(2) The Standing Committee shall perform the functions allotted to it under this Regulation, and subject to any limitations or other provisions contained in rules made under Section 99 or rules made under Section 29, sub-section (1), shall exercise all the powers and perform all the duties of the Board which have not been delegated to any other Committee.

(3) The President of the District Board ~~shall be ex-officio member~~ and Chairman of the Standing Committee ~~in addition to the members appointed under sub-section (1)~~.

Economic Committee.

32. (1) Every District Board shall, subject to such rules as may be framed by itself and the Government in this behalf, appoint a Committee from among its members to be called the Economic Committee, to deal with questions relating to the development of education, agriculture and industries and commerce within the District consisting of such number of members as may be appointed by the Board.

(2) It shall be lawful to the District Board to appoint as a member of the said Committee any person of either sex who is not a member of the Board, but who may, in the opinion of the Board, possess special qualifications for serving on the Committee.

(3) It shall also be lawful for the District Board to appoint temporarily additional members of either sex, whenever necessary, for the consideration of any particular subject or subjects.

Power to compromise suits and claims.

38. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is repuired by this Regulation, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Regulation.

Works to be executed by the Government Executive Engineer.

39. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

Works which may be executed by the Local Board Agency.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit subject to the rules prescribed by the Government in this behalf.

Provided that any such work shall be executed by the Public Works Department in the manner prescribed in sub-section (1), if the Board communicates a desire to that effect.

Payment of expenses incurred by the Public Works Department.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall unless waived by the Government be payable by the Board to the Public Works Department.

Joint Committee.

40. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with more than one such Board or Council in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils concerned, and in framing or modifying regulations as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government.

Provided that the Government may delegate its power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf.

Acts of Boards, etc., not to be invalidated.

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such informality.

CHAPTER IV.

PROPERTY AND DUTIES.

Power of District Board to acquire and hold property and to contract.

42. Subject to the rules or orders made by the Government in this behalf consistently with this Regulation, every District Board shall have power to acquire and hold property both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which

Public Health Committee.

33. (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. The said members may co-opt the District Medical Officer of the District or any Medical or Sanitary Officer of the Government or a legally qualified Medical Practitioner to be a member of the Committee for a period not exceeding the term of their own office.

(2) When a Public Health Committee is appointed under sub-section (1), it shall, subject to the bye-laws framed by the District Board, perform the duties and exercise the powers of the Board in regard to matters of Public Health and Sanitation and shall give effect to the provisions of this Regulation, and the bye-laws framed thereunder and may delegate any of its duties or powers to any member or honorary or stipendiary Officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The Committee may at any time withdraw any of the duties or powers so delegated.

Bom. 38 modified

mittees.

34. A District Board may appoint Committees, consisting of such members as it may decide for any purpose other than those specified in Sections 31, 32 and 33 and may invest each Committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such Committee, shall cease to exist on completion of the specific purpose for which it is appointed.

Certain Government Officers entitled to attend and speak and District Boards may require officers to furnish advice.

Bom. 40 myp. L.B.R. 18

35. The principal Sanitary Officer and the principal Medical Officer of the District, the Senior Surgeon and Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so.

Mode of executing contracts.

36. (1) The President of a District Board may, on behalf of the Board, enter into any contract or agreement in such manner and form as according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: Provided that the amount or value of such contract or agreement shall not exceed five hundred rupees.

Bom. 42 myp. L.B.R. 37

(2) Every other contract or agreement on behalf of a District Board shall be in writing, and shall be signed by the President and by two other members of the Board, and sealed with the common seal of the Board.

(3) No contract or agreement not executed as in this section provided shall be binding on a District Board.

District Fund ordinarily liable for all costs and expenses incurred by Boards

Bom. 43

37. Except as is hereinafter otherwise provided, no member of a District Board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

But members to be held responsible for misapplied or wasted funds and property.

Bom. 43 myp. L.B.R. 45

Provided that every member of a District Board shall be personally liable for the misapplication of any money or other property of the Board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government or by the Government for the recovery of or compensation for the misapplication of such money or property; and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

may have become vested in or been aired by it and to contract and to do all other things necess for the purposes of this Regulation.

Provided that no lease of immoable property for a term exceeding seven years and no sale or er transfer of any such property shall be valid unless such lea sale or other transfer shall have been made with the previous sanction of the Government.

Provided also that nothing herein contained shall empower any District Board to raise loans exept as provided for in section 72 and without the previous santion of the Government.

Roads and other property of the old District and Taluk Boards to vest in the District Boards constituted under this Regulation.

43. All roads, bridges, channels, buildings and other property, moveable or immoveable, held by or under the control and administration of, and all institutions committed to the management of, the District and Taluk Boards in each District for the purposes of the Mysore Local Boards and Village Panchayets Regulation, 1918, shall, for the purposes of this Regulation, be under the control, administration and management of the District Board of such District, subject to all rights, if any, existing over and all debts liabilities and obligations, if any, affecting such properties and institutions and subject to the condition that properties and institutions whose administration devolves on the Village Panchayets under the Mysore Village Panchayet Regulation, 1925, shall be vested in the Village Panchayets concerned.

Works constructed by District Board to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Duties of the District Board.

45. (1) Every District Board, shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the following matters within the area subject to its authority:—

(*a*) construction, repair and maintenance of public roads and other means of communication;

(*b*) planting and preservation of trees on the sides of roads and on other public ground;

(*c*) establishment, management, maintenance and visiting of schools, hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*d*) construction and repair of public wells, tanks and water works, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes;

(*e*) promotion of vaccination and the appointment and control of vaccinators;

(*f*) sanitary works and measures necessary for the public health including sanitation during jatras or fairs and festivals;

(*g*) management of such public ferries as may be entrusted to its charge;

(*h*) development of the economic condition of the District with special reference to Education, Agriculture and Industries and Commerce; institution, holding and management of fairs, cattle and agricultural shows and industrial exhibitions;

(*i*) encouragement and development of Co-operative Societies;

(*j*) payment of expenses of ~~maintenance and treatment of~~ persons undergoing anti-rabic treatment subject to the general or special orders of the Government;

(*k*) improvement of the breed of cattle;

(*l*) maintenance of any building or other property vested in it under this Regulation;

(*m*) with the previous sanction of the Government any public reception, ceremony or entertainment or exhibition;

(*n*) the establishment and maintenance of relief and local relief works in time of famine or scarcity.

(*o*) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public.

(2) Any District Board may, at its discretion-

(*a*) provide for the registration of births and deaths within the District, subject to such conditions as the Government may impose in this behalf;

(*b*) with the sanction of the Government, either singly or in combination with the Government or any other District Board construct and maintain within, or partly within and partly without the area under its authority, a railway or tramway and do all lawful acts which may be necessary in that behalf; and

(*c*) with the sanction of the Government, from time to time guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any railway, tramway or other works which may directly improve the means of communications within the District or between the District and other Districts.

District Board may with the consent of owners take over and repair works.

46. A District Board may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

Government may place roads and other property under District Board.

47. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, moveable or immoveable, which is vested in Government and which is situated within a District, shall, with the consent of the District Board of such District, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Regulation; and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

48. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under Section 47 on such terms as the Government may determine, after consultation with the Board

District Boards may undertake construction, repair and maintenance of Government buildings.

49. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

CHAPTER V.

POWERS, OFFENCES AND PENALTIES.

Power to turn, divert, discontinue or close road.

50. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads or places vested in the Board.

51. The President of a District Board may, subject to the bye-laws made in this behalf, permit the temporary ~~occupation or~~ use of a road or land vested in the Board ~~for the erection of~~ pandals or use on the occasion of fairs, ~~and~~ festivals, or for any approved purpose.

Control of unwieldy traffic.

52. Subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws ~~to be~~ framed by the District Board; it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed ~~by the Deputy Commissioner~~ under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

Establishment of ferries.

53. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

(2) It shall be lawful for the person in charge of a public ferry to refuse to carry any passenger, vehicle, animal or goods, if the proper fee is not paid on demand.

Markets, slaughterhouses and cart-stands.

54. (1) All markets, slaughterhouses and cart-stands constructed and maintained out of the District Funds shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market shall be opened by a District Board without the previous sanction of the Government.

(2) No ~~private~~ person shall continue to keep open a ~~private~~ market, slaughterhouse ~~or~~ cart-stand ~~lawfully~~ established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (2), no person shall after the commencement of this Regulation, open or keep open a ~~private~~ market, slaughterhouse or cart-stand ~~or public ferry~~.

(4) No person shall sell or expose for sale any article or animal in any unlicensed ~~private~~ market.

Use of premises for certain purposes to be made after obtaining license.

55. Subject to the provisions of the Village Panchayet Regulation, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule II without a license from the President of the Board and except in accordance with the conditions specified therein.

Licenses.

56. (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board; ~~but~~ when a license is refused, ~~the~~ person aggrieved by his order shall have the right of appeal to the District Board, ~~whose decision shall be final~~.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed ~~and it shall be lawful for the President to suspend a license granted for default of any of the conditions subject to which it was issued~~.

(3) Whoever keeps open or uses, without a license or during the suspension of a license, any place for any purpose for which a license is required under this Regulation shall be punished with fine which may extend to 50 rupees, and with further fine which may extend to 25 rupees for every day on which such use is continued after the date of first conviction.

District Board's power to make bye laws.

57. (1) The District Board may, from time to time with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force :—

(*a*) for the general or special regulation, inspection, control of musafirkhanas, travellers' bungalows, rest-houses, cart-stands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold, all places used for the purposes specified in Schedule III and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom ;

(*b*) (i) for regulating all matters connected with sanitation ;

(ii) for empowering the President or any person authorised by him to enter and inspect any building or land and to require that it shall be kept in a proper state for sanitary reasons ;

(*c*) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells ;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purpose.

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting the use of such courses for any other purpose or purposes ;

(*d*) (i) for regulating the prevention of nuisances affecting the health, safety or convenience of the public ;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water or any channel or receptacle of foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance ;

(*e*) (i) for regulating the prevention and spread of dangerous diseases ;

(ii) for prohibiting the use of any source of water-supply, whether private or public, during the epidemics ;

(iii) providing for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof ;

(iv) for empowering the President or any person duly appointed by him to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, if immediate or necessary cases, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases ;

for the discharge of the tolls, and all expenses occasioned by such non-payment, seizure and sale and the balance, if any, returned on demand to the owner of the property, provided that if at any time before the sale has actually begun, tender is made of the amount of all the expenses incurred and of double the toll payable, the property seized shall forthwith be released.

(11) In all cases of resistance to the lawful authority of the persons authorised to collect tolls, all police officers shall assist when required and, for this purpose, shall have the same power which they have in the execution of their ordinary police duties.

(12) A table of the tolls authorised to be taken at any toll gate or station under this section with a statement of the penalties, on refusing to pay the same, legibly written in English and Kannada, shall be put up in a conspicuous place near such gate or station. It shall be the duty of the person in charge of such gate or station to keep such table in a proper and legible condition. When the table of tolls is not so put up at any toll gate or station, no toll shall be levied thereat during such time.

67. Every District Board shall levy an education cess at a rate not less than six pies but not exceeding one anna in the rupee on all items of revenue on which local cess is levied to be utilised solely for purposes of education.

Power of District Board to levy Railway Cess.

68. The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and railways, or for guaranteeing the payment of interest on Capital expended on any Ry, Tramway or other works similarly.

Power to levy any other cess.

69. A District Board may levy, with the previous sanction of the Government and subject to such rules as may be made by the Government in this behalf, a special cess for carrying out any of the duties imposed on it by sub-section (1) of section 45.

Rents and Fees.

70. Subject to the bye-laws made in this behalf, a District Board may charge fees for permissions issued under this Regulation and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for collection.

71. The local cess, the Railway Cess and the Education Cess shall be collected by the Departmental Government Officers or establishments concerned along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided under Chapter VII.

District Boards may raise loans and may form a sinking fund.

72. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a Railway or Tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans.

Grant of loans to encourage local arts and industries.

73. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter VII.

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases to be washed or disinfected at places notified by the District Board; and destroying such articles as are likely to retain infection and paying compensation for articles so destroyed;

(f) for regulating the use of public roads and the traffic thereon and for securing cleanliness, safety and order in respect of the same;

(g) for denning the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licenses or permissions under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of licenses or permissions and the rents, fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the District Board;

(h) for providing for—

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for plying terry boats, the conditions on or subject to which such permissions may be granted and the fees payable in respect of such permissions;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat at one trip;

(iv) the safe, speedy and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for ~~rowing~~ them;

(vi) the inspection of the ferries and the ferry boats; and

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry.

(i) ~~[illegible]~~ for carrying out the purposes of this Regulation.

District Board may prosecute.

58. A District Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund

Provided that no prosecution for an offence under this Regulation or of any bye-law thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrates.

59. Any prosecution under ~~[illegible]~~ under any bye-law thereunder may be instituted before any Magistrate and every fine or penalty imposed under or by virtue of this Regulation or any bye-law thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation may be recovered, on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compromise and compound offences

60. A District Board may—

(a) compromise with any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence.

(b) withdraw from prosecutions instituted under this Regulation or under any bye-law thereunder.

(c) compound any offence against this Regulation or against any bye-law made thereunder.

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Damage to any District Board property how made good.

61. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of any District Board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter VII.

CHAPTER VI.

FINANCE.

District Fund, its custody and investment.

62. (1) There shall be in each District a fund which shall be called the District Fund, and be administered by the District Board of the District.

(2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment with like sanction or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the District.

Constitution of District Fund.

63. The following shall form part of, or be paid into the District Fund—

(*i*) the balance of the District Fund and the whole or such portion of the Taluk Funds at the commencement of this Regulation as the Government may direct in this behalf;

(*ii*) such portion of the local cess on land revenue and of other local rates levied or leviable by the Government as may be assigned from time to time for expenditure by the District Board;

(*iii*) all rates, cesses, tolls, fees, fines and penalties paid to or levied by or on behalf of the District Board under this Regulation;

(*iv*) all rents from lands or other properties of the District Board;

(*v*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(*vi*) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom; and

(*vii*) all sums received by or on behalf of the District Board by virtue of this or any other Regulation.

District Board property and District Fund how to be applied.

64. All property vested in the District Board under this Regulation and all funds received by it in accordance with the provisions of this Regulation and all sums accruing to it under the provisions of any law for the time being in force, shall be applied, for expenditure as provided for in this Regulation.

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

District Fund where to be expended.

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation, be made within the area subject to its authority only, but may, with the sanction of the Government be made outside that area for any of the purposes mentioned in this Regulation.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges

(*a*) for audit of accounts of the District Boards;

(*b*) ~~for maintenance and treatment~~ of persons undergoing anti-rabic treatment at rates approved by the Government;

(*c*) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government.

Tolls.

66. (1) Subject to the rules prescribed by the Government in this behalf, a District Board may levy tolls on carts, carriages vehicles or animals at toll gates or stations established along roads and bridges vested in it, at rates sanctioned by the Government in each case not exceeding those specified in Schedule III.

(2) A District Board may compound with any person for a sum to be paid annually or half-yearly in lieu of all such tolls either generally or in respect of all roads and bridges in the District vested in the District Board or specially in respect of any particular road or bridge in the District and may issue passes to such person in respect of his carts, carriages, vehicles and animals provided that such composition shall include all the carts, carriages, vehicles and animals possessed by the person so compounding.

(3) The District Board may, with the previous sanction of the Government, declare that payment of tolls on carts, carriages, vehicles or animals at any toll gate or station or bridge, whether within or without Mysore, shall clear such carts, carriages, vehicles or animals at any other toll gate or station or bridge.

(4) Exemptions from payment of tolls shall be regulated by the rules ~~to be~~ prescribed by the Government in this behalf.

(5) No more than one payment of toll shall be demanded at any toll gate, station or bridge in respect of any carts, carriages, vehicles or animals in any one period of 24 hours counted from sunrise to sunrise provided that when toll has been paid at any toll gate, station or bridge in respect of any carts, carriages, vehicles or animals not laden or ridden, the difference between such tolls and the tolls payable in respect of such carts, carriages, vehicles or animals laden or ridden shall be payable if such carts, carriages, vehicles or animals again pass through such toll gate, station or bridge, laden or ridden within such period.

(6) Any toll contractor or lessee of a toll gate or station or any person employed by the District Board or authorised by the lessee to collect the tolls may refuse to allow any person liable to the payment of the same, to pass through such toll gate or station, until the proper toll has been paid.

(7) Any person, who being liable to the payment of toll under this Regulation, refuses to pay the toll or fraudulently or forcibly passes any toll gate or station without paying the proper toll, or obstructs the person authorised to collect toll in the discharge of his duties, shall be liable, on conviction before a Magistrate to simple or rigorous imprisonment for a term not exceeding three months or to a fine not exceeding Rs. 50.

(8) Whoever not being duly authorised to collect tolls, levies or demands any toll on any public road or bridge, or whoever duly authorised to collect tolls, demands more than the rates authorised, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 200 or to simple or rigorous imprisonment not exceeding six ~~calendar~~ months.

(9) In the case of non-payment of any toll on demand, the person duly authorised to collect the same may seize any of the carts, carriages, vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(10) If any toll remains undischarged for 24 hours after any property has been seized under sub-section (9), it shall, after 24 hours' notice, exclusive of Sunday or any close holiday, be sold by the President or a person duly authorised, by public auction

Deputy Commissioner's power of supervision.

92. (1) The Deputy Commissioner of District, shall have power to supervise the proceedings of the District Board or the several Committees in the District, and in the exercise of that power may (among other things) —

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the District Board or a Committee, or any work in progress under its direction; and

(*b*) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the District Board or a Committee; and

(*c*) require the District Board or a Committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more Districts, the Deputy Commissioner of any of those Districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, for its decision.

Power to suspend execution of orders, etc.

93. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a District Board or a Committee, or the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his District.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

94. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a District Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

(2) If the expense and the remuneration are not so paid the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this Section, and the Government may pass such orders as it deems fit.

Power to provide for performance of duties in default of District Board.

95. (1) When the Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

Contributions to expenditure incurred by the Government or other local authorities and power to make grants-in-aid.

74. (1) Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical institution or school within or without the area under its authority whether it be under public or private management.

(2) The Government may require a District Board to contribute towards the expenditure incurred by it or any other District Board, Municipal Council or Village Panchayet for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board.

Arrangements purporting to be binding permanently or for a term of years.

75. When a District Board has entered into any arrangement or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors with the sanction of the Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least six months' notice of its intention so to do to the manager or managers of such institution

Annual estimates of income and expenditure.

76. (1) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Standing Committee shall submit to the Board in such form as the Government may, from time to time, by rule prescribe an estimate of the income and expenditure of the Board for the next official year.

(2) The District Board shall consider the estimate and may approve of it with or without modification.

(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to sanction the estimate with such modification, if any, as it deems fit

(4) Provided that the District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.

Annual accounts and audit.

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Inspection of estimates and accounts.

78. The District Board shall cause a copy of every estimate approved under Section 76 and of every account made up under Section 77 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Submission of abstract of accounts to the Government.

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the fund remaining unspent, shall be prepared by the District Board and submitted to the Government.

CHAPTER VII.

RECOVERY OF DUES.

Notice of demand for fee, cess or other dues.

80. (1) When any sum not being a toll payable on demand—

(a) which by or under the provisions of this Regulation, is declared to be recoverable in the manner provided by this Chapter, or

86. Nothing herein contained shall preclude the institution of a suit for any amount due under this Regulation. Recovery of amount due by suit not precluded.

CHAPTER VIII.

OFFICERS AND SERVANTS OF DISTRICT BOARDS.

87. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer, a Health Officer and an Engineer or any one or more of such officers or appoint one person, whether temporarily, or permanently, to discharge the duties of any two or of all such officers and pay such salaries to them as the Government having regard to the financial condition of the District Board may direct. District Board may appoint Chief Officer, Health Officer and Engineer.

(2) No such officer shall be removeable from office except with the previous sanction of the Government.

(3) When a Chief Officer is appointed, all other officers and servants employed by the District Board, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

(4) The Chief Officer of a District Board shall exercise the powers delegated to him by the District Board in addition to the powers that may be conferred on him by such rules as may be framed by the Government in this behalf.

(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at such meeting.

88. Subject to the rules of recruitment that may be framed by the Government from time to time, every District Board shall employ such other officers and servants as may be necessary and proper for the efficient execution of its duties and shall assign to them such pay, allowances, gratuities and pensions as the Government may direct. Other officers and servants.

89. The pay, leave, punishment, transfer, pensions, gratuities and other matters relating to the officers and servants of District Boards shall be regulated by the Mysore Service Regulations and the special or general orders and rules made by the Government in this behalf. Service Regulations.

CHAPTER IX.

CONTROL AND MISCELLANEOUS.

90. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be wrong or not in conformity with law and the rules or bye-laws in force thereunder and may do all things necessary to secure such conformity. Government's power to amend proceedings of District Boards.

91. The Deputy Commissioner of a District shall have power— Inspection of offices of District Boards.

(a) to inspect the office of any District Board, or Board in the District;

(b) to call for records of any District Board either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law.

(b) which is claimable as a fee, cess or other due under this Regulation or any rule or bye-law thereunder, shall have become due and remain unpaid ten days after the same is due, the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum, a notice in writing in a form to be prescribed by the rules framed in this behalf.

Distress.

(2) If such person does not within fifteen days from the service of such notice of demand upon him pay the sum due, or show cause to the satisfaction of the President, why the same should not be paid, the President or other person duly authorised in this behalf, may levy such sum, with all costs by distraint and sale of the movable property of the defaulter.

Warrant for distraint.

81. In order to effect the distraint and sale of property under sub-section (2) of section 80, the President or other officer duly empowered in this behalf shall issue a warrant in the form to be prescribed by rules and for each such warrant, a warrant fee of two annas shall be leviable.

Inventory, sale.

82. The President or other person duly authorised as aforesaid shall make an inventory of the property distrained, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to be given for all payments of fees, etc.

83. The President of the District Board shall give or cause to be given to every person making payment of a toll, fees, cess or other dues a receipt therefor signed by him, or some person duly authorised in that behalf. Such receipt shall specify—

(1) the date of the grant thereof,
(2) the name of the person by whom it is granted,
(3) the toll, fee, cess or other dues in respect of which the payment has been made,
(4) the period for which the payment has been made, and
(5) the amount in respect of which it is granted.

Conditions of distraint and sale.

84. (1) Whenever, under the provisions of this Regulation, any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of Section 62 of the Code of Civil Procedure.

Exemption from distraint and sale.

(2) All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

Limit of distraint.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

Perishable property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody and the amount due will exceed its value, the person seizing the property shall at once, after seizure of such property, give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.

Surplus sale proceeds.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period shall be credited to the District Fund.

Recovery of arrears at the commencement of the Regulation.

85. All arrears of fees, cesses and other sums due to a District Board or Taluk Board at the time of the commencement of this Regulation may be recovered by the District Board having authority over the District as though they had accrued under this Regulation.

Power to supersede DistrictBoard in case of incompetency, default or abuse of powers.

96. (1) If a District Board is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the Official Gazette, declare the District Board to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of District Board.

(2) When a District Board is so superseded, the following consequences shall ensue:—

(*a*) all members of the District Board shall, as from the date of the order, vacate their office as such members;

(*b*) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time so time, appoints in that behalf;

(*c*) where a District Board is superseded, all property vested in it shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

Disputes.

97. If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils or Village Panchayets, the matter shall be referred to the Government whose decision shall be final and binding.

Powers of Government and of the Deputy Commissioners over subordinates.

98. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates as it or he has and exercises over them in the general and revenue administration.

Power to make Rules or orders.

99. (1) The Government may make rules or orders to carry out all or any of the purposes of this Regulation not inconsistent therewith and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power to make rules or orders,

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed,

(*b*) with reference to all matters relating to election or appointment of members, the election of Presidents and Vice-Presidents, and the constitution of District Boards,

(*c*) with respect to the conduct of business of District Boards and Committees,

(*d*) as to the remuneration and allowances, if any, of members, Presidents and Vice-Presidents, the conditions under which and the rates at which payment of travelling expenses shall be made,

(*e*) as to delegation of powers to Presidents, Vice-Presidents or other officers or members or Committees,

(*f*) as to the submission of resolutions on questions connected with the administration of the District,

(*g*) as to the interpellation of the President by the members of a District Board,

(*h*) as to the intermediate offices, if any, through which correspondence between District Boards and the Government or Government officers shall pass,

(*i*) as to the conditions on which property may be acquired or transferred by District Boards.

(*j*) as to the mode of payment from the District Fund and the authority under which District Fund shall be expended,

(*k*) as to the conditions on which grants-in-aid shall be paid from the District Fund,

(*l*) as to the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries,

(*m*) as to the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears,

(*n*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government Officers to accord professional or administrative sanction to estimates,

(*o*) as to the accounts to be kept by District Boards, the manner in which such accounts shall be audited and the appointment and payment of auditors,

(*p*) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards,

(*q*) as to the mode in which the officers of Government shall advise and assist District Boards in carrying out the purposes of this Regulation,

(*r*) as to the recruitment of officers and officials and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards, and with regard to the pay, leave, pension and other privileges of such employees, and

(*s*) as to the guidance generally of District Boards, Committees, Joint Committees, and Government officers in all matters connected with the administration of this Regulation and not therein specially provided for.

Power of Government to amend, add to or cancel schedules.

100. The Government may alter, add to or cancel any of the schedules of this Regulation and such alteration, addition or cancellation when published in the Official Gazette shall have the force of law and all references in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by this section.

Power under special circumstances to exempt District from operation of Regulation.

101. (1) If the circumstances of any District or part of a District are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the Official Gazette, exempt the District or part of the District from the operation of those provisions and thereupon those provisions shall not apply to the exempted District or part of the District until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the Official Gazette, shall have the force of law.

Publication of rules.

102. All rules made by the Government under this Regulation, shall be published in the Official Gazette both in English and Kannada.

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

103. If any member of a District Board or any officer or servant maintained by or employed under a District Board, has directly or indirectly any share or interest in any work done by order of the Board of which he is a member, or by which he is maintained or under which he is employed, or in any contract with or under such Board, he shall be liable on conviction before a Magistrate to a fine not exceeding rupees five hundred.

Provided that no person shall be convicted under this section by reason only of such person,

(2) If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised, in the case of a Hindu Joint Family by the manager thereof, or the member authorised by a majority of the family, and in other cases by the member or partner authorised in that behalf by a majority of the family or partnership concerned.

Explanation.—"Partnership" includes a company, firm, association, body of two or more guardians or trustees or the joint pattadars or other body possessing joint rights

SCHEDULE II.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

(See Section 55.)

(*a*) as a shop for sale of animals intended for human food or of meat or of fish,

(*b*) as a hotel, bakery, sweetmeat shop or for the sale of articles intended for human food or drink,

(*c*) for any of the purposes mentioned hereunder—

(1) for boiling or storing offal, blood, bones or rags,
(2) for salting, curing and storing fish,
(3) for ~~curing~~ storing hides, horns or skins, or organic
(4) for tanning,
(5) for the manufacture of leather or leather goods,
(6) for dyeing,
(7) for melting tallow or sulphur,
(8) for washing or drying wool or hair,
(9) as a brick, pottery or lime kiln,
(10) for soap-making,
(11) for boiling, pressing, cleansing, preparing or manufacturing, by any process whatever, oil (edible or non-edible).
(12) as a manufactory of sago,
(13) as a distillery,
(14) for storing hay, straw, fodder, wood, coal or other combustible material,
(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells, fumes or dust arise or which may involve risk of fire.

SCHEDULE III.

Maximum rates of tolls.

(See Section 66.)

		Re.	a.	p.
1.	On every motor car	1	0	0
2.	On every motor tricycle or bicycle ...	0	4	0
3.	On every other vehicle of any description propelled by steam or other motor power	1	0	0
4.	On every four-wheeled carriage ...	0	12	0
5.	On every two-wheeled carriage on springs other than a jutka or ekka	0	8	0
6.	On every ekka or jutka, laden... .	0	4	0
7.	On every ekka or jutka, unladen ...	0	2	0
8.	On every other vehicle with springs including tricycle and bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0

(*a*) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board, or

(*d*) being professionally engaged on behalf of the District Board as a Legal Practitioner.

Members, etc., of District Boards to be public servants.

104. Every member of a District Board and every officer and servant maintained by or employed under a District Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Restrictions with respect to actions against District Board.

105. No action shall be brought against any District Board or any of its officers or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff.

And every such action shall be commenced within six months next after the accrual of the cause of action and not afterwards.

Acquisition of land.

106. Where any land is required for the purpose of this Regulation, the Government may, at the request of the District Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894; and, on payment by the District Board of the compensation awarded under that Regulation and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board.

SCHEDULE I.

QUALIFICATIONS FOR VOTERS IN GENERAL CONSTITUENCY.

(See Section 9.)

(1) A person shall be qualified as a voter in a general constituency who—

(i) is the registered occupant of land situated in the constituency and assessed to land revenue of not less than Rs. 25 per annum payable to the Government; or

(ii) is a Kadim tenant paying an annual rent of not less than Rs. 25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(iii) pays annually a tax on buildings or shops of not less than Rs. 5 in the constituency; or

(iv) is the owner of alienated lands which would be assessed, if they were not alienated, to the land revenue at not less than Rs. 25 per annum; or

(v) is a Graduate of a University and ordinarily resides in the constituency; or

(vi) is a retired and pensioned officer (whether Commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency; or

(vii) pays income-tax to the Government and resides in the constituency.

abolished, it has become necessary to consolidate and define the law relating to the District Boards and District Funds only and hence this Bill.

NOTES ON CLAUSES.

Clause 1. The use of the words "Local Boards" as in the Regulation of 1918 is not, therefore, necessary and the new Regulation is accordingly styled "The Mysore District Boards Regulation".

Proviso to clause 1. This enables elections being held after the commencement of the Regulation but before the introduction of the provisions thereof to any District, so that District Boards may be constituted under the new Regulation with effect from a specific date.

CHAPTER II.

This Chapter is framed mainly after the provisions of the Bombay Act of 1923, and provides substantive provisions, as in the Mysore Municipal Regulation regarding the details of constitution of District Boards which is now regulated by the rules framed by the Government and it has been made fuller.

Clause 7. Elections are to be from general constituencies and special constituencies. The general constituencies will of course be the Taluk rural constituencies and the special ones will be those representing special interests such as Inamdars, Associations, etc.

Clause 9 and Schedule I. For special constituencies, special rules have to be prescribed. For general constituencies, the rules in force regarding elections to the Representative Assembly and the rules in force for election to Taluk Boards have been adopted with necessary modifications. The rules in regard to the Representative Assembly elections do not recognise the right of owners of parts of Inam Villages and minor Inams, assessable to a land revenue of Rs. 25 a year and the right is conceded only to Inamdars of whole Inam villages with a beriz of Rs. 125. This defect has been remedied in the Regulation by following the present Local Boards Rules also as far as possible.

Clause 10. The disqualifications of voters are set out in this clause. Persons of unsound mind, and undischarged insolvents and bankrupts are proposed to be disqualified in addition to those specified in Section 9 of the Bombay Act.

Clause 13. This provides for nomination of members in certain cases and gives power as in Assam to the Deputy Commissioner, when the election is not contested, to declare as elected the duly qualified candidates competing for the places open for election.

Clause 14. At present, elections to the District Boards are made from the Taluk Boards and no provision is made in the Regulation itself for settlement of election disputes. In the case of elections to Taluk Boards, the rules empower the Deputy Commissioners to set aside any election with the approval of the Government on the ground of fraud, intimidation, bribery, etc. As the elections to the District Board will be made in future directly by the voters; it is necessary that all disputes arising in that connection should be judicially disposed of. This clause also deals elaborately with corrupt practices at elections and disqualification of persons committing corrupt practice for membership of District Boards for a period not exceeding five years and is adopted from Section 19 of the Bombay Local Boards Act and Section 22 of the Mysore Municipal Regulation.

Clause 15. This takes away the power of voting at elections from persons declared by the Judge as disqualified for membership under clause 14, so long as such disqualification lasts.

Clause 17 (3). This is based on Municipal Regulation 23 (7 A.). Deputy Commissioner will be President during an interregnum as in District Headquarter Municipalities.

Do (4). The appointment of Vice-President is made discretionary with the Government. In case there is a non-official President there will be no need generally for a Vice-President, if the District Board appoints a Chief Officer for supervising the executive work in the District. If it is decided to have a Vice-President, he should be elected by the Board.

10.	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
11.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
12.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
13.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules if laden	0	6	0
14.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if not laden	0	3	0
15.	On every cart or other vehicle not on springs, drawn by 2 bullocks, buffaloes horses, ponies, asses or mules, if laden	0	4	0
16.	On every cart or other vehicle not on springs drawn by 2 buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
17.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
18.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
19.	On every buffalo or bullock per head, if laden	0	1	0
20	On every buffalo or bullock per head, if not laden	0	0	6
21.	On every elephant	1	0	0
22.	On every camel, if laden	0	4	0
23.	On every camel, if not lade	0	2	0
24.	On every horse, if laden or ridden	0	1	6
25.	On every horse, if unladen or unridden	0	0	9
26.	On every thattu or mule, if laden or ridden	0	0	9
27	On every thattu or mule, if unladen or led	0	0	6
28.	On every ass, if laden or ridden	0	0	6
29.	On every ass, if unladen or led	0	0	3
30.	On every sheep, goat or pig	0	0	1
31.	On every palanquin, dooly, palna or tonjon with two bearers	0	2	0
32.	On every palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

N.B.—Animals drawing any vehicle for which toll can be demanded are not also e charged with toll.

STATEMENT OF OBJECTS AND REASONS.

The Bill has been prepared in the light of the recommendations of the Local Self-Government Conference of 1923, the discussions that took place at the Dasara Session of the Representative Assembly of 1924 on the Memorandum placed before that Body by the Government and with a view to give effect to Government Order No. L. 4542-71—L. B. 104-24-1, dated 23rd December 1924, passing orders on the further development of Local Boards in the State. As the control of the Administration of the Panchayets will under the above orders, be transferred to the local Revenue authorities, a separate Village Panchayet Bill has been already drafted. As the Taluk Boards will be

This prohibits election of salaried servants of Government as Presidents and Vice-Presidents. Clause 18 (2).

At present, Vice-Presidents of Local Boards are under Government Order No. L. 3891-906—L. B. 37-24-10, dated 27th November 1924 required to have their residence within a reasonable distance of their Head-quarters. As the Taluk Boards will be abolished, it is necessary that Vice-Presidents and Presidents of District Boards, nominated or elected, should live at the District Headquarters of the District. Do (3).

This enables the District Board to elect a Vice-President in lieu of the permanent Vice-President, if any, doing the duties of the President on leave and to have an elected President during the absence on leave of a President appointed by name by the Government. Clause 22 (2).

This enables the Government to remove an elected or nominated President or Vice-President from his office when he does not command the confidence of the members. Clause 23.

The maximum term of office of members is fixed at 4 years as in Section 17 of the Municipal Regulation. Clause 24.

This enables the Government to remove any member on the recommendation of the District Board and requires that members before removal should be given an opportunity of being heard. Clause 27.

CHAPTER III.

This chapter deals with the conduct of meetings, formation of Committees, Joint Committees and matters connected with the carrying on of business of the District Boards and is based mainly on the Bombay Act as well as those in Madras and Mysore.

Government sanction for holding meetings at other than Headquarters of the District is considered necessary in order to keep down the expenditure on account of travelling allowances and to see whether the additional expenditure proposed is absolutely necessary. Clause 29 (1).

As in this matter it is difficult to distinguish substantive provisions of law from those that may be relegated to the rules, almost the whole of the provision in sub-section (2) of Section 35 of the Bombay Act has been incorporated in the Bill. Clause 29 (2).

The present rule requires at least 10 days' notice of an ordinary meeting. In the Bill the minimum is raised to 21 days in accordance with the Bombay Act. A longer duration is necessary as the District Board will have to deal with rural representatives living in distant parts of the District. Clause 29 (2) (b).

The minimum quorum of 5 members required in the present rules for an adjourned meeting is dispensed with in this clause in accordance with Section 26(7) of the Municipal Regulation and the Bombay Act. Clause 29 (2) (c).

These provisions have been made with a view to prevent Presidents and members from presiding or voting when matters in which they have any pecuniary interest are either discussed or considered. Clause 29 (2) (g) & (h).

A doubt was expressed by the President of the Mysore District Board as to whether members of the District Boards could send propositions for discussion before the District Board and in Local and Legislative Secretary's letter No. L. 9032—L. B. 136-23-2, dated 21st May 1924, Government decided that every member has such a right. These sub-clauses have been introduced to remove all ambiguity in the matter and also to empower the members to interpellate the President. Clause 30 (1) and (2).

This introduces an important change. In the existing Regulation there is provision for the appointment of a Finance Committee and an Economic Committee and Joint Committees. As the District Board is rather an unwieldy body, there should be a Standing Committee as in Bombay to deal with all routine matters between the quarterly sittings of the Board and to act in the same way as Managing Committees in Municipalities. This Committee may also do the work now expected of the Finance Committee. Claus 31.

Clause 32. This provides for a single Committee for each District Board for economic work in lieu of 3 Committees as provided in Section 17A of the existing Regulation, *vide* Government Order No. 673-95—Ml. 79-24-1, dated 26th July 1924.

Clause 33. This enables the District Boards to appoint Public Health Committees to perform the duties and exercise the powers of the Boards in matters of Public Health and Sanitation as in Bombay.

Clause 35. In addition to the District Medical and Sanitary Officer and the Executive Engineer and the District Inspector of Schools, the Senior Surgeon and Sanitary Commissioner, the Veterinary Superintendent and Assistant Superintendent, the Live Stock Expert, the Director, Deputy Director and Assistant Directors of Agriculture and the Registrar and Assistant Registrars of Co-operative Societies are empowered to attend meetings of District Boards and Committees thereof and to address such Boards and Committees when any matter affecting their department is under discussion and they are required to furnish advice when called upon to do so.

Clause 36. Contracts and agreements of value exceeding Rs. 500 are required to be in writing and to be signed by the President and two members and sealed with the common seal of the Board.

Clause 39. This has been added to ensure proper execution of works involving public safety and heavy outlay, by the agency possessing the required professional skill and embodies the provisions of the existing rules.

CHAPTER IV.

PROPERTY AND DUTIES

In the existing Regulation, the duties of Local Boards have been summarised in Section 8. The arrangement of matter in the Bengal Act is considered more suitable as it deals side by side with duties and powers. The sections of the Bengal Act which could be advantageously adopted have been incorporated in the draft Bill.

Clause 43. This provides for the devolution of the properties under the control of the old Boards to the District Boards to be constituted under the Regulation with the exception of those that come within the purview of Village Panchayets.

Clause 45. The duties of the District Boards are enumerated. Control over cattle-pounds is not included as this function has been assigned to the Panchayets. The functions enumerated are wide enough and they have to be undertaken so far as funds permit, the most important being those relating to "communications, medical relief, vaccination and veterinary services." Encouragement and development of Co-operative Societies is newly included in the functions of District Boards.

District Boards are, at their option, empowered to provide for registration of births and deaths in accordance with Government Order No. L. 530-48—L. B. 58-24-2, dated 23rd July 1924, and they are also entrusted with the power to construct railways and tramways and to guarantee the interest on capital expenditure on any railway, tramway or work directly improving the means of communication.

Clause 46. District Boards may take over property from a private person with all his rights thereto.

Clause 47. This empowers the Government to transfer certain properties to the control and administration of District Boards. The property in such cases does not become vested in the Board.

CHAPTER V

POWERS, OFFENCES AND PENALTIES

Clause 50. This gives power to District Boards in regard to the alignment of roads or in dealing with roads over which the public has acquired a right of way.

Clause 52. This provides for control of unwieldy traffic and excludes from its operation motor vehicles licensed under the Mysore Motor Vehicles Rules.

The provision contained in Section 38 (*c*) and (*b*) (*ii*) and (*iii*) of the existing Regulation are improved so as to enable the District Boards to make the cart-stands and markets a source of income to themselves, by declaring that no private cart-stand or market will be allowed to come into existence after this Bill becomes law. Clause 54.

This deals with the control of dangerous and offensive trades by means of licenses. In view of the interpretation of the word "oil-boiling" on page 294 of Volume XXIX of the Chief Court Reports, the words used in the Calcutta Corporation Act, *viz.*, "boiling, pressing, cleansing, preparing, manufacturing by any process whatever, oil (edible or non-edible)" have been incorporated in Schedule II as in the draft Bill to amend the Municipal Regulation. Clause 55.

This provides for compromising and compounding offences. Clause 60.

CHAPTER VI.

FINANCE.

This is based on Section 23 of the existing Regulation with such modifications as were found necessary owing to the abolition of Taluk Boards. The balance at the credit of the District Boards at the commencement of the Regulation will go to the District Boards constituted under the new Regulation. In respect of the balances at the credit of the Taluk Boards, power is reserved to the Government to direct whether the whole or only a portion thereof should go to the credit of the District Board concerned. The balance, if any, of the Taluk Fund not credited to the District Fund will be assigned to the village fund. Clause 63.

District Fund should be expended in the area in which it is raised, but with the sanction of the Government it may be spent outside the area. The sanction of Government acts as a safeguard against indiscriminate use of local finances outside the areas under the authority of individual District Boards. The proviso deals with the exceptions to the general rule laid down. Clause 65.

There is no specific provision for levy of tolls in the present Regulation and all the existing rules in the matter relating to the levy and recovery of tolls are incorporated here. Clause 66.

Education cess will be made a compulsory levy in future, *vide* para 10 of Government Order No. L. 4542-71—L. B. 104-24-1, dated 23rd December 1924. Clause 67.

Levy of special cess for carrying out any of the duties of the District Board is authorised by this. Clause 69.

This provides for authority to levy fees for permissions issued and rents for the use of District Board property. Clause 70.

Land cess and cess on Excise and Forest Revenue and Railway cess and Education cess are collected by the agency of the Revenue Department. It is only for other items that a specific agency is required. Power is given to lease the right of levying tolls and fees under the Regulation. Clause 71.

This provides for raising loans for specific purposes. Loans will mostly be required to improve communications by construction of railways and bridges both of which involve heavy initial capital cost. Power is taken to the District Boards to form a sinking fund for repayment of loans raised. Clause 72.

This provides for the grant of loans to encourage local arts and industries and is in accordance with the resolution arrived at in the Representative Assembly. Clause 73.

This relates to grants-in-aid to schools and medical institutions. Power is taken to the Government to require District Boards to contribute towards maintenance of institutions which indirectly benefit the inhabitants. Clause 74.

This is based on section 57 of the Municipal Regulation and provides for discontinuance or reduction, after notice of not less than 6 months, of contributions promised for a specified or unlimited period. Clause 75

This relate to budgets and is practically the same as section 28 of existing Regulation. Submission of supplemental estimates is dispensed with and District Boards are expressly permitted to sanction re-appropriation of sanctioned grants. Clause 76.

CHAPTER VII.

RECOVERY OF DUES

The provisions of this Chapter are an improvement on the provisions in the existing Regulation. The chief feature is that the Chapter indicates as to how distraint and sale of movable property of a defaulter has to be carried out.

Clause 84 (2) As in section 162 of the Land Revenue Code, all property of the defaulter exempted from distraint or sale in execution of a decree will also be exempted from distraint or sale under the Regulation.

Clause 85. This provides for arrears at the commencement of the Regulation being recovered as though they had accrued under the Regulation.

CHAPTER VIII.

OFFICERS AND SERVANTS OF DISTRICT BOARDS.

Clause 87. This provides for the appointment, if necessary, of a Chief Officer, a Health Officer and an Engineer or any one or more of them and is based on the provisions of the Municipal Regulation with suitable changes. The salaries of these officers will be fixed by the Government with due regard to the financial condition of the District Boards concerned.

Clause 88. This provides for the appointment of other officers and servants of the District Board subject to the rules of recruitment framed by the Government. The rules issued in Government Order No. Ml. 145-24-2, dated 19th February 1925, passing orders on the resolution of the Representative Assembly regarding employment of Government Servants for superior appointments under District Boards and Municipal Councils have to be deemed to have been issued under this section.

CHAPTER IX.

CONTROL AND MISCELLANEOUS.

Clause 90. Power is expressly given to Government to amend resolutions of District Board which are wrong or contrary to law.

Clause 91. This is introduced to give effect to the resolution of the Local Self-Government Conference approved by the Representative Assembly and accepted by the Government in regard to the Deputy Commissioners being empowered to inspect District Board Offices and call for records of any case and submit the same to the Government if necessary.

Clause 97. Disputes for which no provision is made elsewhere, arising between two or more District Boards or between a District Board and one or more Municipal Councils should be referred to the Government.

Clause 98. This relates to power of Government and Deputy Commissioners over subordinates and is based on similar sections in the Municipal Regulation and the Bombay Act.

Clause 99. Government will have to make rules in the following cases:—

(*a*) in all cases where the Regulation clearly says that rules shall be prescribed.

(*b*) in all matters where the District Board has no power to frame bye-laws,

(*c*) in those matters where although no specific provision has been made in rules, it is necessary that Government should lay down the rules which should be observed in carrying out the provisions of the Regulation.

The rules making power is an important one and it has to satisfy two conditions. It should be specific and it should be consistent with the provisions of the Regulation. These principles have been followed and the clause is drafted on a comparison of the provisions in the several British Indian enactments.

Clause 100. This section provides for changes in certain specific matters, especially where experience dictates frequent changes. When the schedules are altered, they shall have the force of law. It will not be necessary to introduce amending bills. The section is based on a similar provision in section 201 of the Madras Act. The Schedules relate to qualifications of voters, purposes for which premises may not be used without licenses and the maximum rates of tolls leviable by District Boards.

The remaining clauses are of an incidental character and call for no remarks.

Further changes adopted by the Select Committee in the District Boards Bill on the 28th November 1925.

.....

1. Cl.29 (2) (k) Omit the words "supported by ~~~ of members and" in lines 3 and 4 and add after the word " "passed" the following words:--

"by not less than one half of the whole number of members"

2. Clause 45. (1) At the end of sub clause (a) insert the words "which are not under the control of Village Panchayets"

(2) At the end of sub clause (b) insert the words "in its control"

(3) After the words "water works" in sub clause (d) add the words "which serve more than one village Panchayet, and"

(4) Substitute the following for the sub clause (f)

"Measures necessary for the public health, sanitation and other local services affecting villages under different panchayets and control of and sanitation during jatras or fairs and festivals"

(5) At the end of Clause (o), insert the words "in the District"

3. Clause 66 sub clause (5) After the word "bridge" in line 2 insert the words "in the District"

4. Clause 97. Omit the words "or Village Panchayet"

5. Schedule II (b) For (b) substitute the following:--

"as a dairy, hotel, resturant, eating house, coffee house, sweet-meat shop, bakery, boarding house or lodging house (other than a students hostel under public or recognised control) or

for manufacturing ice or aerated waters."

6. Clause 57. (1) After the words "from time to time" add the following:-- "and subject to such rules as may be prescribed by Government in this behalf and"

(2) At the end of the clause add the following:--

"Any person infringing any bye-laws made under this Regulation shall on conviction before a Magistrate be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board."

7. Clause 10. (1) For Sub Clause (a) substitute the following:-

(a) has been convicted by a Criminal Court for an offence punishable with imprisonment for a term exceeding six months or transportation, such sentence not having been subsequently reversed or quashed.

(2) In Sub Clause (c), after the word "service" add the words "and debarred from being re-entertained in such service."

(3) For the existing proviso, substitute the following proviso:--

"Provided that--

(i) the disqualification in clause (a) will cease to operate after expiry of three years from the date of such conviction and that in (b) after expiry of the period during which the person is ordered to furnish security; and

(ii) the disqualifications in clauses (c), (d) and (e) will cease to operate after expiry of 10 years from the date of such dismissal, withdrawal or removal.

8. Clause 28. Add the following as sub clause.(4)

"Notwithstanding anything contained in Sub Sections(2) and (3) it will be open to a District Board to direct that a vacancy be left unfilled until the next ordinary election if the term of office of that vacancy ~~which~~ arising in the ordinary course of events have determined within six months of the occurrence of such vacancy."

9. Clause 14(1) In line 3, after"apply" add the words "together with a deposit of fifty rupees as security for costs"

10. Clause 20. Insert with necessary changes Section 37 of the Municipal Regulation as sub-clause (1), the present ~~section~~ clause being sub-clause (2)

11. Clause 45 (2) Add the following as sub clause(d);

"(d) "encourage and develop co-operative societies in the District"

12. Clause 52. Begin the clause with "It shall be lawful for a District Board"and bring "subject to Board" between "Board" and "to notify"

13. Clause 60. Add the following at the end of the clause:-

"Sums paid by way of composition under this Section shall be credited to the District Fund."

14. Clause 97. Omit the words "and binding" at the end of the clause.

15. Clause 105. (i) in line 6, substitute "stating" for "explicitly noting"

(ii) In line 7, after the words " cause of action" insert a comma and add the words "relief sought, the amount of compensation, if any, claimed"

(iii) In line 8 for "intended" substitute "intending"

(iv) At the end of the clause omit the full stop and add "except in suits for the recovery of immoveable property or for a declaration of title thereto"

16. Clause 29.

In ~~Section~~ clause 29, Clause (2) (f), after the word "present" add "and voting"

17. Transitory provision.

Add the following as the last clause in the bill:-

"It shall be competent to the Government to declare that any District Board established under the Mysore Local Boards and Village Panchayets Regulation, 1918, and existing immediately prior to the commencement of this Regulation in the District, shall be deemed to be a District Board established under this Regulation and exercise all the powers of a District Board under this Regulation until such date as the Government shall fix in this behalf. The President, Vice-President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be ~~xxxxx~~ deemed to have been appointed or elected under the provisions of this Regulation and their term of office shall expire on the aforesaid date fixed by the Government."

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MYSORE DISTRICT BOARDS BILL.

amended by the Select committee

Reasons for the char

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Proviso

ed that—

~~the said repeal shall not affect the validity of anything~~
~~liability of any person to pay any sum due from him~~
~~foresaid Mysore Local Boards and Village Pancha-~~
~~tion, 1918~~;

any appointment, notification, notice, order, scheme,
mission, rule, bye-law, form, tax, fee, cess or rate,
d) or imposed, contracts entered into and suits and
edings instituted under the aforesaid Mysore Local
Village Panchayets Regulation, 1918, or under any
or rules thereby repealed, shall, so far as may be, be
have been made, issued, imposed, entered into and
nder this Regulation;

he assets and liabilities of the aforesaid District and
ds in such District shall, subject to such ~~restrictions~~
ons as may be imposed by the Government, devolve
rict Board constituted under this Regulation.

There is no suitable Verb
word "permission"
in two places.

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ut the consent of the District
thus constituted.)

It is desirable to
discretion of Govt, as proposed in the
addition.

3. In this Regulation—

(1) "District" means any local area, which for the pur-
s of the collection of land revenue shall have been placed,
he time being, under the charge of a Deputy Commissioner
District or which for the purposes of this Regulation the
ernment may, by notification in the Official Gazette, from
to time, declare to be a District ~~or to be attached to and to~~
~~part of a District~~.

The words struck out are omit
in view of the power given
declare any area as a Distr
-poses of this Regulation.

THE MYSORE DISTRICT BOARDS BILL.

Whereas it is expedient to consolidate and amend the law relating to District Boards and District Funds, it is hereby enacted as follows :—

Section 1 :— Proviso.

Provided that it shall be lawful, at any time after the passing of this Regulation, to hold an election in any District in the manner prescribed in this Regulation or the rules framed thereunder, but such election shall not take effect till the commencement of this Regulation in that District.

Section 2 - Proviso

Provided that—

(a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918 ;

(b) any appointment, notification, notice, order, scheme license, permission, rule, bye-law, form, tax, fee, cess or rate made, issued or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918, or under any enactments or rules thereby repealed, shall, so far as may be, be deemed to have been made, issued, imposed, entered into and instituted under this Regulation ;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such restrictions and conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation.

Interpretation.

3. In this Regulation—

(1) "District" means any local area, which for the purposes of the collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the Official Gazette, from time to time, declare to be a District or to be attached to and to form part of a District.

Interpretation.

(1) As soon as may be, after
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ghness the Maharaja shall --
ish, by,

Calls for no remark, as it is a mere transposition of a phrase, which had come in between the auxiliary & principal Verb, to its proper place.

in the Official Gazette, for each District, a District
g authority over the entire District, provided that
s of the District as are included in a Municipality or
e authority of a Sanitary Board constituted under
Mines Regulation, 1906, shall be excluded from the
of the District Board.

Boards shall be elected
constituencies and the number and extent
and the members to be elected by each
regulated by the rules or orders of the
this behalf.

Elected members of District Boards by whom to be elected.

description,

There was no indication as to what should constitute general and special Constituencies. Description of these is also included in the scope of the rules.

y Commissioner shall keep a list for each
rict Board within his District of the per-
such constituency at elections of mem-
d.

Deputy Commissioner to keep lists of voters.

Calls for No remarks

who is not less than 21 years of age and
y disqualification specified in section 10
of this Regulation or the rules thereunder
his name entered in the list for a consti-
ler Section 7, qualifying him to vote at
District Boards in such constituency,
to

What persons may be voters at elections.

— ditto —

CHAPTER II.—CONSTITUTION OF DISTRICT BOARDS.

Establishment and incorporation of District Boards.

4. (1) As soon as may be, after the commencement of this Regulation, the Government of His Highness the Maharaja shall, with effect from such date as it may appoint, establish by notification in the Official Gazette, for each District, a District Board having authority over the entire District, provided that such portions of the District as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, shall be excluded from the jurisdiction of the District Board.

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Elected members of District Boards by whom to be elected.

7. The elected members of District Boards shall be elected by general and special constituencies and the number and extent of such constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf.

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Deput Commissioner to keep lists of voters.

8. (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his District of the persons qualified to vote in such constituency at elections of members of the District Board.

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What persons may be voters at elections.

9. Every person who is not less than 21 years of age and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder shall be entitled to have his name entered in the list for a constituency prescribed under Section 7, qualifying him to vote at elections of members of District Boards in such constituency if he,

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son may vote who—

:en sentenced by a Criminal Court to imprison-nt or whipping for an offence punishable with prisonment for a term exceeding ~~six months~~, or transportation, such sentence not having been sequently reversed or quashed, or

rson against whom an order has been passed der Section ~~130~~ of the Code of Criminal Proce-e, 1904, in proceedings instituted under Section) of that Code, such order not having been sequently reversed or quashed, or

of or two years,

This is to curtail the number of cases which would disqualify persons. There are cases where the sentence inflicted does not admit of an appeal, and the offence itself may be trivial. In consonance with the present day opinion in this respect, the change is proposed to reduce the chances of disqualifications.

118/-

Fig 180 is incorrect. It should be 118.

Calls for no remark.

gal practitioner whose Sannad has been suspended y a final order of a competent court, during the eriod of such suspension; or

person whose name is entered in the list pre-Section 8 for a constituency and who is not ~~a female~~ a female,

r or servant of the District Board or the Govern-ng person

ectly or indirectly, by himself or his partner any t in any work done by order of a District Board act or employment with or under or by or on ct Board,

andidate at any election in such constituency:

t—

on shall be disqualified by reason only of such

The third para relating to Share & interest, governs all cases hence the change proposed — viz omission of 'or' in the first para, and addition of "any person" in the second para.

g a share in any joint stock company or a share erest in any society registered or deemed to be ered under the Mysore Co-operative Societies lation, 1918, which shall contract with or be oyed by or on behalf of the District Board; or

literary association or in any registered under the Societies Registration Regulation, 1904

It is proposed to include literary associations also.

---

person is elected or appointed to a District to any of the disqualifications specified in hall be deemed to be vacant and the vacancy oon as conveniently may be, by the election he case may be, of a person thereto, who ng only as the person in whose place he is would have held it, ~~if he had been eligible to~~ ~~Board~~.

Vacation of seats and re-eligibility of members.

The word 'Section' should be replaced by 'Regulation'.

The portion struck out is unnecessary

estion, dispute or doubt arises whether a under this section, the ~~o~~ ers of the Govern-or the purpose of dec ng ~~such question~~

vho has already been elected or appointed a Board on one or more occasions shall, if ed, ~~be~~ subject to the proviso to Section 11, or re-appointment.

and

Calls for no remarks.

General disqualification of voters.

10. No person may vote who-

(a) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(b) is a person against whom an order has been passed under Section 180 of the Code of Criminal Procedure, 1904, in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed, or

(f) is a legal practitioner whose Sannad has been suspended by a final order of a competent court during the period of such suspension; or

Qualifications necessary for election to District Boards.

11. Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female, or

a salaried officer or servant of the District Board or the Government, and

who has not directly or indirectly, by himself or his partner any share or interest in any work done by order of a District Board or in any contract or employment with or under or by or on behalf of District Board,

may be a candidate at any election in such constituency:

Provided that—

(i) no person shall be disqualified by reason only of such person

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board: or

Vacation of seats and re-eligibility of members.

12. (1) If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the Board.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question dispute or doubt.

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall, if otherwise duly qualified, be, subject to the proviso to Section 11, eligible for re-election or re-appointment.

such rules as may be prescribed in this
quisite for the purposes of this Regula-
dates as the Deputy Commissioner shall

Elections when to be held and provisions for elections or nomination in particular cases.

the number of duly --
candidates is not more
umber of members required
ted, the Deputy Commis-
ll declare all such candi-
e elected.

re there is no duly --
candidate or where the
lared under ~~cl~~ clause (a) above,
in the number required
ed, the Deputy Commis-
l report the fact to
with proposals for --
the required number of

Sub-Sections (2) & (3) are somewhat Cumbrous, and some portions are repeated. They are proposed to be recast, without in any way affecting the sense.

---

ses falling under sub-section (2) and when at
ction no votes are recorded, or for any reason
ot result in the return of the required number
ns willing to take office, the Government shall
ired number of persons, being persons who
qualified to be elected and persons so appointed
be members of the District Board as if they
ected.

clause (b) of

Consequential to above.
The proper place for the Sub-Sec is just after Sub-Sec (2).

ion of a member of a District Board
here is an equal number of votes in
nore persons who are willing to take
one vote will entitle any of the persons
ination of the person or persons to

shall be made by lot
y the Polling officer
ner as may be prescribed
rnment.

Elections will be held at Taluk Head Quarters & sometimes, there may be more than one polling Centres in a taluk itself. The polling officer has to count the votes & declare the results there & there. It is therefore desirable to authorize the polling officer to decide in cases of equal votes, instead of investing the Deputy Comm with ~~this power~~ whom papers will have been sent for a decision & who cannot be on the spot.

n duly elected at any such election declines
n, if any, amongst the unsuccessful candi-
the highest number of votes has been
illing to take office shall be deemed to be

13. (1) Subject to such rules as may be prescribed in this behalf, every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf.

Elections when to be held and provisions for elections or nomination in particular cases.—

(2) Where there is no duly qualified candidate, the Deputy Commissioner shall report the matter to Government with proposals for nominating the required number of members and, where the number of duly qualified candidates is less than the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected and shall report the fact to the Government with proposals for nominating the remaining number of members.

(3) When the number of duly qualified candidates is equal to the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected.

(4) If at any election of a member of a District Board under this Regulation, there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected, the determination of the person or persons to whom one additional vote shall be deemed to have been given shall be made by the Deputy Commissioner or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.

(5) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.

(6) In cases falling under sub-section (2) and when at any contested election no votes are recorded, or for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Government shall appoint the required number of persons, being persons who would have been qualified to be elected and persons so appointed shall be deemed to be members of the District Board as if they had been duly elected.

13. (1) Subjec
behalf, every electior
tion shall be held on s
fix in this behalf.

(2) (a) Whe
qualifie
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to be el
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(b) Wh
qualified
number de
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to be ele
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Governmen
nominating
members.

(3) In c
any contested el
an election does
of qualified pers
appoint the re
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shall be deemed
had been duly e

(4) If at any ele
under this Regulation,
favour of each of two o
office, and the addition
to be elected, the dete

be elected
forthwith
in such ma
by the Gov

(5) If any pe
to take office, the pe
dates in whose fav
recorded and who is
the member elected

(1) At any time within fifteen
fter the declaration of the
of an election or the date
order or proceeding, any - under Sec 13.
ate who stood for election
ten persons qualified to
; that election, may apply
Judge of the District within which the election
ould have been held, for the determination of the
election or the legality of the order or proceeding

It is desirable to restrict the right to question an election or order under Sec 13, to only a Candidate or to 10 Voters jointly, in order that as cases where a real grievance exists may be taken up to Court.

Section (2)

An enquiry shall thereupon be held by the District
may, after such enquiry as he deems necessary, pass
onfirming or amending the declared result of the elec-
e order of the Deputy Commissioner or ~~some~~ other
powered in this behalf under Section 13 or setting the
ide. For the purposes of the said enquiry, the said
exercise any of the powers of a civil court. He may
costs in such manner as he may deem fit and such
be recoverable as if they had been awarded in a suit
Code of Civil Procedure and his decision shall be conclusive.

by

sets aside an election, he
forthwith communicate the
o the Deputy Commissioner
~~could~~ take the necessary --
for holding a fresh election.

Provision is proposed to be made, for a communication of the decision of the Distt Judge to the Deputy Commissioner, to enable the latter to take immediate steps, if necessary, for a fresh election.

Section (4) - Explanation

—The expression "a promise of individual
a promise for the benefit of the person himself
whom he is interested, but does not include a
or or against any particular measure which may
re the District Board
deration.

"a" is proposed to be replaced by "The" to define the particular Distt Board, in respect of which a corrupt practice is committed.

Sub section (6)-proviso.

t such person may ~~be~~
be
relieved from such dis-
on by an order of the --
in that behalf.

A mere transposition of some words. Calls for no remark.

Determination of validity of elections; enquiry by Judge; procedure.

14. (1) Any person qualified to vote at an election may, at any time within fifteen days after the date of the declaration of the result of an election or the date of an order or proceeding, apply to the District Judge of the District within which the election has been or should have been held, for the determination of the validity of the election or the legality of the order or proceeding in question.

Section 14 - Subsection (2)

(2) An enquiry shall thereupon be held by the District Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or some other officer empowered in this behalf under Section 13 or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps will be taken for holding a fresh one.

Section 14 - Subsection (4) - Explanation

Explanation.—The expression "a promise of individual profit," includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before a District Board for consideration.

Section 14 - Subsection (6) - Proviso

Provided that such person may, by an order of the Government in that behalf, be at any time relieved from such disqualification:

...son who has been dis-
...or any period from be-
...under the last preced-
shall also be disqualifi-
...ting at any election to
...oard for the same period.

"chiefly recast without affecting the sense. ~~Mere transposition of some words.~~ Calls for no remark.

of all members finally elected to any ... as the names of the nominated members ... ations of the *ex-officio* members, if any, ...

Publication of names of members in the Official Gazette.

hereto shall be
...n the official Gazette.

The words "as conveniently as may be" are omitted as unnecessary.

~~Omitted~~

This Sub-Section is proposed to be omitted, firstly because it provides for a very casual vacancies where there is no time for the issue of a fresh notification, secondly because the Vice-President, whenever there is one, is empowered under Secs 21(a) & 29(2)(c) to preside during the absence of the President, & thirdly where there is no Vice-President, a chairman will be elected to preside under Sec 29(2)(c) and lastly because it will raise a conflict as to whether a person in charge of the duties of the office can preside and the Govt have decided in G.O. Nos 11113-20 ~~(not to be decided)~~ that he cannot. L.B 4-19-98 4/6-4-21

...ubsection (2)

...During the period intervening the expiry of the term ...dent on the reconstitution of a District Board and the ...r nomination, as the case may be, of another President, ...ty Commissioner shall, notwithstanding anything con-this Regulation or in the rules or notifications issued ...r, take the place of the President and be an additional ...f he is not already a member, of the District Board, elected or nominated President enters on his duties.

By - as there is no change except the numbering

7 Sub-Section (3)

...re may be a Vice-Presi-
...a District Board elected
...nbers from among their own
...nless the Government other-
...ts:

This not desirable to curtail existing rights. Under the existing law a Dist Bd may have a Vice-President, unless the Govt directs otherwise. This is proposed to be retained, in place of the sub-section in the Bill, which takes away the option from the Dist Bds.

15. Any person who has been disqualified from being a member under the last, preceding section, shall, for the period for which the disqualification is to last, be disqualified from voting at any election to a District Board.

Voter disqualified for corrupt practice.

16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the *ex-officio* members, if any, appointed thereto shall be published, as soon as conveniently may be, in the Official Gazette.

Publication of names of members in the Official Gazette.

Section 17 - Subsection (2)

Effect of notification of *ex-officio* President.

(2) When an office has been notified under clause (*b*) of sub-section (1), the person from time to time executing the functions of that office shall be and shall continue to be President, unless and until such notification is altered or rescinded by the Government, or until his term as member expires.

Section 17 - Subsection (3)

Deputy Commissioner to be President in certain cases.

(3) During the period intervening the expiry of the term of a President on the reconstitution of a District Board and the election or nomination, as the case may be, of another President, the Deputy Commissioner shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, take the place of the President and be an additional member, if he is not already a member, of the District Board, until such elected or nominated President enters on his duties.

Section 17 - Subsection (4)

Vice-Presidents.

(4) If and whenever the Government so directs, there shall be a Vice-President for a District Board elected by the members from among their own number.

Section 18 – Subsection (3)

Presidents and Vice-Presidents to reside at District Headquarters.

(3) Every President other than an *ex-officio* President and every Vice-President of a District Board shall reside at the District Headquarters of the District for which the Board has been established.

Functions of Presidents.

19. The President of a District Board shall–

× × × × ×

(*d*) furnish to the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93.

Functions of Presidents.

×

(a) furni
through
a copy

resolution passed
from the minutes
document or thing
missioner may fr
and 93.

omit

It is proposed to remove this restriction, which will come in the way of the appointment or election of suitable and desirable candidates who live within easy distance of HQ Quarters and can attend to the work. There is also provision to remove a President, if he neglects his work.

19. The President of a District Board shall—

x x x

. to the Government
he Deputy Commissioner
every resolution

very meeting of the Board and any extract
of the proceedings of the Board or other
hich the Government or the Deputy Com-
. time to time call for under Sections 92

To conform to
Recast- so as not to affect the present
practice
prestige of the President. No powers ~~to be~~ ~~awarded~~
the Bill may convey the idea that the
President is the subordinate of the Deputy
Commissioner ~~in~~ ~~executive~~ ~~function~~
~~bill not~~ Contrary.

Disqualification of member after election.

26. (1) Any member of a District Board who, during the term for which he has been elected or appointed,

(c) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant.

Section 28 - Subsection (2)

Casual vacancies how to be filled up.

(2) In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

1) Any member of a District Board who, during the
hich he has been elected or appointed, —

or more than four consecutive months from
istrict for which the Board is established,
leave so to absent himself, which shall not
six months, has been granted by the Board,
ents himself for six consecutive months from
igs of the Board without the leave of the
d, shall cease to be a member and his
shall become vacant.

from three

The Board ordinarily meets once in three months. It is better to fix his absence with reference to meetings held. Three meetings is the limit fixed in the Municipal Regulation & is proposed to be adopted here also

sub-section (2)

Casual vacancies how to be filled up.

It of a vacancy occurring on account of death,
cation or removal of a member of a District
e expiry of his term of office, the vacancy
soon as conveniently may be, by the election
he case may be, of a person thereto, who
ng only as the member in whose place he is
would have held it if the vacancy had not

was [illegible] usually maybe"

The words [illegible] are proposed to be omitted, as unnecessary.

Section 29 - Sub-section (2) - clause (a)

(2) (*a*) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the dates of the subsequent quarterly meetings shall be fixed at the previous meeting of the Board; but the President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. When the President and Vice-President are unable or fail for any reason to call a meeting, the Deputy Commissioner may exercise the powers of a President for that purpose.

Section

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Ad - clause (b)

(*b*) Twenty-one clear days' notice of a quarterly meeting and fourteen clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting, any motion or proposition mentioned in any written request made for such meeting.

Do - Clause

(b) Fourteen
of a quarte

~~and fourteen~~ clear days' n
the time and place at whi
business to be transacte
members and posted up
notice shall include in the
or proposition mentioned i
meeting.

19 - Subsection (2) - amend (c)

The date of the first meeting of the Board after
shall be fixed by the Deputy Commissioner and

e of each subsequent quarterly
l be fixed at the previous meet-
oard provided that the President
icient reasons alter the ~~date~~ day of
to a subsequent date. The Pre-
nenever he thinks fit, and shall,
tten request of not less than
the members and for a date
-one days from the receipt of
call a special meeting. Such
specify the object for which
proposed to be called. When
or in his absence the Vice-
unable or fails for any
a meeting, the Deputy Com-
exercise the powers of a Pre-
it purpose..

The clause is recast to allow the President to alter the date of a meeting to a subsequent date. In practice this is done, but there is no provision for it. It is also provided that whenever a special meeting is wanted, the objects for which the meeting is to be called shall be specified.

b)

lear days' notice
ly meeting and ten

ice of a special meeting, specifying
such meeting is to be held and the
thereat, shall be ~~circulated~~ sent to the
at the District Board Office. Such
se of a special meeting, any motion
written request made for such

The number of days for a General & a Special meeting is proposed to be curtailed. The existing numbers are 10 and 5 which mean very short notice, and 21 and 14 days are too long as many references may be received in the meanwhile. So a medium is proposed.

"Circulated" would necessitate the same paper being sent to each member, which would mean undue delay. It is proposed that "sent".

(c)

hird of the whole number of
District Board shall form a
nsacting business at a meeting
If at the time appointed for
within half an hour thereafter
t present, the presiding autho-
ourn the meeting to such ~~and~~ hour
day as ~~the~~ he may reasonably
similarly adjourn the meeting
ter it ~~was~~ has begun if attention
e want of a quorum. At such
ting the business which would
ght before the original meeting
~~fo~~ transacted whether there is
nt or not, provided that not
members are present.

It is proposed to make it clear that the President may adjourn a meeting if no quorum is present at the time appointed for the meeting or within half an hour thereafter. The provision in the Bill is vague on this point. The quorum is also fixed. For an adjourned meeting no quorum is necessary, but it is proposed to fix the minimum number to transact business at 5 to prevent only two or three members disposing of what may be important matters

the presiding authority is be-
ny member present at the meeting
such pecuniary interest in any
r dis- and cussion if a motion to that
carried, he shall not preside at
g during such discussion or vote on
rt in it. Any member of the Board
sen or elected to preside at the
ring the continuance of such dis-

The clause is proposed to be recast so as to permit any member present to take objection to the presiding authority on the ground of pecuniary interest in the matter under discussion. The presiding authority need not absent himself, though he cannot take part in the discussion or vote or preside. Provision is also proposed to be made to choose some one else to preside, as clause (c) of the section does not provide for all cases that may arise where objection is taken to a Chairman who is selected under cl(c) in the absence of the President & Vice-President

Ao - clause (c)

(c) If less than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the District Board Office and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there is a quorum present or not.

Do. Clau

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less than fiv

Ao - clause (h)

(h) If the presiding authority is believed by the members present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

Ao - Clause (h)

(h)

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3c(K)

n of a District Board shall be modified or
months after the passing thereof, except
ed by not less than one-half of the whole
d passed at a quarterly or special meeting,
ve been given fulfilling the requirements
g forth fully the resolution which it is
cancel at such meeting and the motion or
ification or cancellation of such resolu-

A District Board meets once in three months ordinarily. As the clause stands in the Bill, a resolution at one meeting can be cancelled at the very next meeting, which is not desirable. The period is therefore proposed to be raised to six months.

Section (4)

every resolution passed by a District Board
thin ten days from the day of the meeting,
Deputy Commissioner, ~~who shall submit the~~
~~same with his remarks, if any,~~ and the
s such orders thereon as it may think

vide reason assigned for the change in clause (d) of Sec 19

Subsection (2)

a District Board may move resolutions
sident on matters connected with the
ard, subject to such rules as may be
~~the Government in this behalf.~~

The last six words are struck out as unnecessary, in view of the fact that the rules made by the Bd should not be inconsistent (Sec 29(1)) with those made by Govt under Sec 99.

Sub Section (1)

31. (1) Every District

oint a Standing Committee
ie President, the Vice-
y and other members of the
al number of members of such
tee shall not be more than
ess than five as the Board

The presence of the President and the Vice-President, if any, appears to be desirable, if not necessary on the Standing Committee. ~~Hence the proposed change~~ and the number including them should not exceed seven. Hence the change.

Sub Section (3)

esident of the District
s absence the Vice Presi-
ex-officio Chairman of the
tee.

~~Prop~~ This is to provide for the Vice-President stepping into the place of the President during his absence.

Act - clause (k)

(*k*) No resolution of a District Board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of members and passed at a quarterly or special meeting, whereof notice shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Act - cla

six

(*k*) No resolu
cancelled within
by a resolution supp
number of members
whereof notice shall
of clause (*b*) and set
proposed to modify
proposition for the
tion

Section 29 - Subsection (4)

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and the Government may pass such orders thereon as it may think proper.

Section 29 - S

(4) A copy
at a meeting shall,
be forwarded to the
same to the Gover
Government may p
proper.

Government through me

Section 30 - Subsection (2)

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board and the Government in this behalf.

Section 30

(2) A member
and interpellate the
administration of the
made by the Board a

Section 31 - Subsection (1)

Standing Committee.

31. (1) Every District Board shall appoint a Standing Committee consisting of such number of members not being more than 7 and not less than 5 as the Board may determine.

Standing Com-
mittee.

Board shall a
consisting of
President if
Board. The
Standing Comm
seven and not
may determine

Section 31 - Subsection (3)

(3) The President of the District Board shall be *ex-officio* member and Chairman of the Standing Committee in addition to the members appointed under sub-section (1).

Section

(3) The
Board and in
dent, shall
Standing Com

52.— Sub-Section (2)

all be lawful for the District
nt as members of the said com-
sons of either sex who are not
Board but who may, in the
Board, possess special quali-
serving on the committee. Such
appointed to the said committee
the term of the said Board or
or the consideration of a parti-
or subjects.

There is no apparent difference between sub-sections (2) + (3) unless it be regarding their term. The two are proposed to be combined into a single ~~section~~ sub-section, bringing out also the nature of their appointment

-Section (1).

trict Board may appoint
tee consisting of such
s the Board may elect.
r co-opt, for a term not
office of the said Board,
dical Officer of the
l or Sanitary officer
legally qualified medi-
a member or members of

Public Health committee

Slightly recast, without altering the sense, but to provide for more than one of such officers being ~~appointed~~ Co-opted.

The principal Sanitary Officer and the principal
Officer of the District, the Senior Surgeon, and Sanitary
oner, the Veterinary Superintendent and the Assistant
y Superintendent, the Live-Stock Expert, the Director
lture, the Deputy Director and Assistant Director of
riculture, the Director and
sistant Director of Industries,
, the Executive Engineer, the District Inspector
nd the Registrar and Assistant Registrar of Co-opera-
es shall, if they be not already members, be entitled
y meeting of a District Board or of any Committee
to address such Board or Committee on any matter
ssion affecting their respective departments and shall
r advice in such matters whenever called upon to

the

Director + Asste Director of Industries are proposed to be added to the list of the Dist Bd ~~deals~~ may speak with matters connected with that Department.

Section 32 - Sub Section (2)

(2) It shall be lawful to the District Board to appoint as a member of the said Committee any person of either sex who is not a member of the Board, but who may, in the opinion of the Board, possess special qualifications for serving on the Committee.

Section 32 - Sub Section (3)

(3) It shall also be lawful for the District Board to appoint temporarily additional members of either sex, whenever necessary, for the consideration of any particular subject or subjects.

Section 33 - Sub Section (1)

Public Health Committee.

33. (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. The said members may co-opt the District Medical Officer of the District or any Medical or Sanitary Officer of the Government or a legally qualified Medical Practitioner to be a member of the Committee for a period not exceeding the term of their own office.

Certain Government Officers entitled to attend and speak and District Boards may require officers to furnish advice.

35. The principal Sanitary Officer and the principal Medical Officer of the District, the Senior Surgeon and Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so.

District Board or of any Committee or of member or as a President, Vice-President, deemed to be invalid by reason only of appointment of such Board, Committee, dent, Chairman or member or on the ıy of them were disqualified for such office, f the intention to hold a meeting of the vas not duly given or by reason of such act ng the period of any vacancy in the office -President, or member of such Board or other such informality.

Acts of Boards, etc., not to be invalidated.

The word 'mere' is proposed to be struck out as unnecessary.

Every road, building or other work constructed by a Board from the District Fund shall be vested in the which it has been constructed.

The proviso is proposed to be added in order to avoid a conflict with Sec 50 of the Municipal Regulation which vests all roads within the limits of a municipality in the Mal Council.

.ed that such portion of rict Board road, as may lie the area of a Municipality vest in the Municipal Council h Municipality.

ery District Board, shall, so far as the funds at permit, but subject to such exceptions and condi- vernment may from time to time make and im- e the control and administration of and be he following matters within the area subject to

~~gement and development of Co-operative~~ *traveling*

t of expenses of ~~maintenance and treatment of~~ anti-rabic treatment subject to the general the Government;

ement of the breed of cattle;

ıance of any building or other property vested gulation;

ıe previous sanction of the Government any eremony or entertainment or exhibition;

blishment and maintenance of relief and local e of famine or scarcity;

r local works or measures likely to promote comfort, convenience, interest or welfare of

clause (2) is proposed to be omitted. As recommended by the 1889 Conference this item should be included in the duties of the Village Panchayats. Moreover this ~~is included~~ comes under Economic development.

→ The Distt Boards are now paying only the Travelling allowance of persons who go for treatment. The burden should not be increased and that rather indefinitely. Hence the proposed changes.

Acts of Boards, etc. not to be invalidated

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such mere informality.

Works constructed by District Board to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Duties of the District Board.

45. (1) Every District Board, shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the following matters within the area subject to its authority:—

(*i*) encouragement and development of Co-operative Societies;

(*j*) payment of expenses of maintenance and treatment of persons undergoing anti-rabic treatment subject to the general or special orders of the Government;

(*k*) improvement of the breed of cattle;

(*l*) maintenance of any building or other property vested in it under this Regulation;

(*m*) with the previous sanction of the Government any public reception, ceremony or entertainment or exhibition;

(*n*) the establishment and maintenance of relief and local relief works in time of famine or scarcity;

(*o*) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public.

— nil —

Government decision to be final in case of conflict between the District Boards and Village Panchayets in the performance of duties imposed on them.

Power of Government to resume property.

48. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under Section 47 on such terms as the Government may determine.

Power of Government to resume property.

48. time by control the Gove

with

51.

Power to permit temporary occupation or use of roads or places vested in the Board.

51. The President of a District Board may, subject to the bye-laws made in this behalf, permit the temporary occupation or use of a road or land vested in the Board for the erection of pandals or use on the occasion of fairs and festivals, or for any approved purpose.

Power to permit temporary occupation or use of roads or places vested in the Board.

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Control of unwieldy traffic.

52. Subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws to be framed by the District Board, it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed by the Deputy Commissioner under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions

Control of unwieldy traffic.

52. Su Governmenta the District B notify that an (not being a m under the pro the time bein size or laden may be deeme construction t

to pedestrian and in accor from time to or locomotion number of lic

45 (3)

When a duty imposed on a District Board by or under the provisions of this Regulation is also one imposed on a Village Panchayet by or under the provisions of the Village Panchayet Regulation, 1925, and when there is a dispute between a District Board and one or more Village Panchayets in the performance of such duty, the matter shall be referred by the Deputy Commissioner to the Government whose decision shall be final.

A new sub-section is proposed to be inserted to provide for cases where there is clash of jurisdiction of the Dist Board and a Village Panchayet, and each body tries to throw the burden on the other. In such cases the decision should rest with Govt.

t shall be competent to the Government from time to otification to resume any property placed under the District Board under Section 47 on such terms as ment may determine, after consultation the Board.

The Board ought to be consulted in such cases and an addition is proposed accordingly.

bject to the bye-laws made in this

President of a District Board may

occupation or use of any road or

in the Board, for the erection of

for any other lawful purposes.

Instead of trying to enumerate the purposes for which a road or land may be given, it is proposed to substitute the words 'for any other lawful purpose.' 'Lawful' is obviously more comprehensive than 'approved'.

t to such rules as may be prescribed by the his behalf and to the bye-laws to be framed by rd, it shall be lawful for a District Board to oad vested in it shall not be used by any vehicle tor vehicle licensed by the Deputy Commissioner, sions of the Mysore Motor Vehicles Rules for n force) of such form, construction, weight or h such machinery or other unwieldy objects as likely to cause injury to the roadway or to any reon or risk or obstruction to other vehicles or

except under a license issued by the President nce with the rules framed by the Government ne as regards speed, time, fees, mode of traction se of appliances for protection of the roadway, s and assistants and other general precautions.

Persons besides the Deputy Commr may issue licenses for motor vehicles. Hence the proposed change.

54. (1) All markets, slaughterhouses and cart-stands constructed and maintained out of the District Funds shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market shall be opened by a District Board without the previous sanction of the Government. Markets, slaughter-houses and cart-stands.

(2) No private person shall continue to keep open a private market, slaughterhouse or cart-stand lawfully established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (2), no person shall after the commencement of this Regulation, open or keep open a private market, slaughterhouse or cart-stand.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market.

56. (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board; but when a license is refused, the person aggrieved by his order shall have the right of appeal to the District Board whose decision shall be final. Licenses.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed and it shall be lawful for the President to suspend a license granted for default of any of the conditions subject to which it was issued.

(3) Whoever keeps open or uses, without a license or during the suspension of a license, any place for any purpose for which a license is required under this Regulation shall be punished with fine which may extend to 50 rupees and with further fine which may extend to 10 rupees for every day on which such use is continued after the date of first conviction.

rkets, slaughterhouses and cart-stands con- Markets, slaughter-houses and cart-stands.
ained out of the District Funds shall be
markets, public slaughterhouses and public
ely, and no public market shall be opened
vithout the previous sanction of the Gov-

e person shall continue to keep open a ~~pu~~ for public ferry
erhouse ~~or~~, cart-stand ~~lawfully~~ established
ement of this Regulation, unless he obtains
ard a license in writing to do so.
provided in sub-section (2), no person shall
ient of this Regulation, open or keep open public
ghterhouse, cart-stand or public ferry.
shall sell or expose for sale any article o
ised ~~private~~ market.

for licenses
All applications and permissions
Regulation may be disposed of by
nt of the District Board who may
cancel a license granted for de-
y of the conditions subject to
s issued or given. When a license
refused, suspended or cancelled
ident, any person aggrieved by
hall have the right of appeal to
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under this Regulation shall
payment in advance of a fee
ty be prescribed.
eps open or uses without a
license is suspended or
e for any purpose for which
ed under this Regulation,
on conviction by a Magistrate,
y extend to one hundred rupees ~~or~~ 3
with further fine which may
ive rupees for every day on
continued after the date of
subsequent date as may be
trate.

Public ferries are also proposed to be included in this sub-section.
So far as Cart-stands & ferries go, there is no reason why they should be licensed, if they are kept for private use. When they are public and fees are charged, they should be licensed. Change is proposed accordingly. The word private is omitted as several places as it conveys no clear meaning.

The proper place for the suspension & cancellation of a license is in sub-Sec (1) & not sub-Sec (2) and the right of appeal should not be confined to cases where a license is refused, but should be given when a license is granted, suspended or cancelled. The sub-sections (1 & 2) are proposed to be recast accordingly

There may be cases where the fine inflicted may not act as a deterrent. The profits realised by continuing to use a place without a license may be more than the fine. Hence the limits of the fine are proposed to be increased to Rs 100/ & Rs 20/-. The Magistrate is proposed to be given the discretion to allow sometime to the party to stop using the place, discontinue in cases where it is not possible to stop the use at once.

District Board's power to make bye-laws.

57. (1) The District Board may, from time to time with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force :—

(*a*) for the general or special regulation, inspection, control of musafirkhanas, travellers' bungalows, rest-houses, cart-stands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom ;

clause (b) - Sub-clause (ii)

(ii) for empowering the President or any person authorised by him to enter and inspect any building or land and to require that it shall be kept in a proper state for sanitary reasons ;

clause (c) - Sub-clause (iii)

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting the use of such courses for any other purpose or purposes ;

District Board's power to make bye-laws.

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clause

(ii) for
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~~reasons;~~ com

clause (c)

(iii) for setti
the case of private
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for a specified purp
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other purpose or pu

) The District Board may, from time to time with
n of the Government, make bye-laws and cancel or
me so as not to be repugnant to any law in force:—
for the general or special regulation, inspection, con-
safirkhanas, travellers' bungalows, rest-houses, cart-
rkets, slaughterhouses, hotels, bakeries, sweetmeat
ther places used for the sale of articles intended for
or drink, all places used ~~by~~ for animals which are
ire or the produce of which is sold, all places used
poses specified in Schedule II, and for regulating the
business in any of the places aforesaid so as to secure
therein and the wholesomeness of the articles pre-
or sold or to minimise any injurious, offensive or
ffects arising or likely to arise therefrom

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Verbal Changes calling for no remarks

- sub-clause (ii)

npowering the President or any person autho-
enter and inspect any building or land and to
shall be kept in a ~~proper state for~~ sanitary
ition;

the Board

The Board should have power to authorise any person to enter & inspect, not the President. The other changes merely verbal.

- sub-clause (iii)

apart, with the consent of the owner in
rces of water-supply and of the Govern-
ose under the control of the Government,
springs, tanks, wells, water courses and
ibiting ~~the use of such courses~~ for any
oses;

their use

Verbal changes calling for no remarks.

clause (e) - sub-clause (ii)

(ii) for prohibiting the use of any source of water-supply, whether private or public, during the epidemics ;

clause (e

(ii) for prohil
whether private or p

Skeleton

Do - sub-clause (iii)

(iii) providing for the inspection of persons travelling by railway or otherwise, and the segregation in hospital, temporary accommodation or otherwise of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof;

Do- sub-clau

(iii) provid
of persons t
otherwise, a
hospital or
for the purp

accommodation or other
fected with any epidemi
may be deemed necessa
ease or the spread there

Do - sub-clause (iv)

(iv) for empowering the President or any person duly appointed by him to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, in immediate or necessary cases, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases ;

Do - sub-c

(iv) for emp
appointed by
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to exist, to require t
premises to cleanse
necessary cases, to h
disinfected and to rec
so incurred from such
deserving cases ;

Do - sub-clause (v)

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases to be washed or disinfected at places notified by the District Board; and destroying such articles as are likely to retain infection and paying compensation for articles so destroyed;

Do - sub-

(v) for req
other articles expo
eases to be wash
District Board; an
retain infection and
ed;

- sub-clause (ii)

ng the use of any source of water-supply,
lic, during the epidemics ;

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Allegn remarks

e (iii)

g for the inspection
avelling by railway or
f the segregation in a
ny other place set apart
se.

Verbal changes to make the meaning clear.

se of persons suspected of being in-
disease, or for such other measures as
to prevent the outbreak of such dis-

nse (iv)

ering the President or any person duly
enter into any building or premises in
nfectious disease is reported or suspected
owner or occupier of such building or
disinfect the same or in immediate or
such building or premises cleansed or
er the whole or any part of the expenses
wner or occupier or to remit the same in

the Board

where immediate action is

The Board shd have the power, not the President.

Verbal Change.

clause (v)

ng, that articles of clothing or bedding or
to infection from dangerous infectious dis-
or disinfected at places notified by the
destroying such articles as are likely to
aying compensation for articles so destroy

Litho -

r regulating the use of public
and the traffic thereon; for
nporary occupation or use of -
roads and lands vested in the
and for securing cleanliness,
and otaer in respect of the same;

There is no power to make by laws for the temporary occupation or use of roads vested in the Board, ~~other~~ under Sec 57. This is proposed to be rectified.

ıing the conditions on or subject to which and
ın which and the areas or localities in respect
ses or permissions under this Regulation may
suspended or withdrawn and fixing the fees
~~licences or~~ permissions and the rents, fees and
levied for the use of any of the places specifi-
ther property belonging to the District Board;

Verbal Changes - Licenses are omitted as fees for licenses are already prescribed under Sec 56.

ıor—
nent of public ferries and their manage-

permissions for plying ferry boats, the
to which such permissions may be grant-
in respect of such permissions;
f fees that may be levied on passengers,
s or the loads that may be carried in any
~~strip~~;
eedy and convenient carriage and landing
erty;
ıance of ferry boats in good order and the
ent men for ~~rowing~~ working them;
on of the ferries and the ferry boats; and
for the due discharge of their duty by
and other persons employed at a public

— ~~ditto~~ —
Verbal changes.

rally for carrying out the
this Regulation.

A general power to make byelaws, as proposed, is necessary.

(*f*) for regulating the use of public roads and the traffic thereon; and for securing cleanliness, safety and order in respect of the same;

(*g*) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licenses or permissions under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of licenses or permissions and the rents, fees and other charges to be levied for the use of any of the places specified in clause (*a*) or other property belonging to the District Board;

(*h*) for providing for—

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for plying ferry boats, the conditions on or subject to which such permissions may be granted and the fees payable in respect of such permissions;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat at one trip;

(iv) the safe, speedy and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for rowing them;

(vi) the inspection of the ferries and the ferry boats; and

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry.

District Board may prosecute

59. A District Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund;

Provided that no prosecution for an offence under this Regulation or of any bye-law thereunder shall be instituted except within six months next after the commission of such offence.

Power to compromise and compound offences.

60. A District Board may—

(*a*) compromise with any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence.

(*b*) withdraw from prosecutions instituted under this Regulation or under any bye-law thereunder.

(*c*) compound any offence against this Regulation or against any bye-law made thereunder.

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

rict Board or any officer
ee of the Board authorised
rd may direct any prosecu-
ny.

hatever, and may order proceedings to be taken District Board may prosecute
f any penalties, and for the punishment of any

g against the provisions of this Regulation, or of
ereunder, and may order the expenses of such
her proceedings to be paid out of the District

hat no prosecution for an offence under this
any bye-law thereunder shall be instituted
x months next after the commission of such

This proposes to authorise any officer or Committee empowered by the Board to order prosecution. It would be inconvenient in practice otherwise.

District Board may—
npromise with any person against whom a rea-
icion exists that he has committed an offence
der this Regulation or any bye-law thereunder and
promise no proceedings shall be taken against such
ect of such offence.
thdraw from prosecutions instituted under this
under any bye-law thereunder.
npound any offence against this Regulation or
ye-law made thereunder which under any
ment for the time being in force
ereunder be compoundable

Clause (9) is still under some discussion. Though the majority of the Committee have agreed to retain it as it is Mr Nyapper wants something more added - (~~No distillery shall be~~ ~~established within the Municipal limits~~)

led that the Government may make rules to regulate
lings of persons empowered to compromise offences
section.

Certain offences are not compoundable. It is to guard against that the clause is framed.

- Sub-Section (8)

ever not being duly authorised to collect tolls
; any toll on any public road or bridge, or who-
sed to collect tolls, demands more than the or levies
shall be liable, on conviction before a Magis-
; exceeding Rs. 200 or to simple or rigorous
exceeding six ~~calendar~~ months.

Insertion of the word 'levies' after demands appears to be necessary to cover all cases.
'Months' means 'Calendar months' as defined in the General Clauses Regulation. Hence, ~~this to be omitted~~ the word 'calender' is to be omitted

9

section (9)

a person refuses to pay any
demand and passes through a
te or station, the person duly

uthorised to collect the same may seize any of
es, vehicles or animals on which it is charge-
their burden of sufficient value to defray the

The Change is proposed to make it clear that it is only after a person passes through a toll gate that his goods can be seized & not merely on his refusing to pay.

ct Board may levy with the previous sanction
nd subject to such rules as may be framed
n this behalf, a railway cess not exceeding
on all items of revenue on which local cess
d solely in the construction of tramways

Power of District Board to levy Railway Cess.

or
ays for guaranteeing the
f interest on capital
on any railway, tramway
works which may directly
he means of communications
e District or between the District
Districts.

The addition proposed is necessary. The Distt Bd may not be in a position to take up the work itself. In such cases, it may guarantee the interest on the capital, to the Govt or any Company ## offering to construct a line.

ject to the bye-laws made in this behalf, a District
large fees for permissions issued under this Regu-
y rents and fees for the occupation or use of any
other property placed under its control or vested
ained out of the District Fund.

9

No remarks

Section 66 - Sub section (8)

(8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road or bridge, or whoever duly authorised to collect tolls, demands more than the rates authorised, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 200 or to simple or rigorous imprisonment not exceeding six calendar months.

Section 66 - Sub section (9)

(9) In the case of non-payment of any toll on demand, the person duly authorised to collect the same may seize any of the carts, carriages, vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll

68. The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and railways.

Power of District Board to levy Railway C

Rents and Fees.

70. Subject to the bye-laws made in this behalf, a District Board may charge fees for permissions issued under this Regulation and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund

Agency for collection.

71. The local cess, the railway cess and the education Cess shall be adjusted or collected by the Departmental Government Officers or establishments concerned along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided under Chapter VII.

District Boards may raise loans and may form a sinking fund.

72. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a Railway or Tramway or for the execution of any approved work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans.

Grant of loans to encourage local arts and industries.

73. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and to recover the same in the manner provided in Chapter VII.

Contributions to expenditure incurred by the Government or other local authorities and power to make grants-in-aid.

74. (1) Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical institution or school within or without the area under its authority whether it be under public or private management.

(2) The Government may require a District Board to contribute towards the expenditure incurred by it or any other District Board, Municipal Council or Village Panchayet, for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board.

e local cess, the railway cess and the education
e ~~adjusted or~~ collected by the Departmental Gov-
ers or establishments concerned along with the
as of revenue on which the cess is leviable. All
revenue shall be collected by such agency as the
d appoints in this behalf with the approval of the
provided that it shall be lawful for a District Board
ght to levy tolls or any fee that may be imposed
egulation by public auction, subject to the rules
l the amount due under such lease shall be recover-
nner provided under Chapter VII.

"Adjusted" ~~is unnecessary~~ not necessary. It may be omitted

be lawful for a District Board, with the pre-
the Government and subject to the conditions
om time to time, to raise loans for constructing
mway or for the execution of any ~~approved~~
urpose of carrying out any of the provisions of
nd to form a sinking fund for the repayment of

As sanction of govt is obtained previously for any work, the use of the word "approved" ~~of~~ in connection with the ~~any~~ work to be undertaken is unnecessary

to the rules that may be made by the
time to time, a District Board may grant
District Fund to encourage local arts and
recover the same in the manner provided in

~~no remarks~~
No remarks

ubject to the previous sanction of the Govern-
t Board may make grants-in-aid to any medical

ional or charitable institu-
or any other institution of
utility, within or without
ea under its authority, whe-
t be under public or private
nent.

It is proposed to include charitable institutions and other institutions of public utility also, in the section.

Government may require a District Board to
rds the expenditure incurred by it ~~or any other Municipal Council or Village Panchayat~~ for any
authorised by or under the provisions of this
ch expenditure is such as to benefit the inhabit-
under the authority of such District Board.

A Distt Board should not be ~~made~~ liable to contribute towards expenses incurred by other Distt Boards, ~~Municipal~~ any Municipal Council or a Village Panchayat. Reference to this proposed to be omitted. While Govt may ~~employ~~ the agency of another Distt Board etc, it has to take full responsibility before enforcing this section hence mention of the agency is unnecessary.

a District Board has entered into any arrange- any promise, purporting to bind itself or its term of years or for an unlimited period, to nstitution a yearly contribution from its pro- District Fund, it shall be lawful for the District essors with the sanction of the Government, to ngement or promise or to discontinue or to itribution, provided that it shall have given at notice of its intention so to do to the manager ch institution :

Arrangements purporting to be binding permanetly or for a term of years.

The period of notice is proposed to be raised to one year, so that the institution, which may have omitted itself to expenditure in expectation of the continuance of the grant from the District Board, may have sufficient time to adjust matters.

y District Board shall, on or before the pres- year, hold a meeting at which the Standing bmit to the Board in such form as the Gov- time to time, by rule prescribe an estimate expenditure of the Board for the next official

Annual estimates of income and expenditure.

rict Board shall consider the estimate and ith or without modification.

Sub-Section (3)

istrict Board shall, on or before the prescribed of the estimate as approved by it to be sent to

through the Deputy Com- who shall forward a copy rks, if any, to the Dis- and it shall be compe- Government to sanction e with such modification it deems fit.

This is in consonance with the changes proposed before in Sch. ~~The Deputy Comm. will be the medium of correspondence~~.

It is also proposed that a copy of his remarks should be sent to the Bd, in order that the Bd may answer any points raised by the Deputy Comm, before final orders are passed by Govt.

t The District Board may sanction transfer of major or minor head in the budget to any major a re-appropriation of an allotment sanctioned

This is not a proviso. It is proposed to treat it as a sub-Section.

enditure which is not provided estimate as approved or modified ernment shall be incurred during which the estimate relates, previous sanction of the Govern- ned on one or more suplemental estimates.

The proposed addition is necessary Otherwise there is no meaning in preparing budget Schedules, if the Board can go on Expending as it likes without reference to the Budget.

75. When a District Board has entered into any arrangement or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors with the sanction of the Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least six months' notice of its intention so to do to the manager or managers of such institution;

Arrangements purporting to be binding permanetly or for a term of years.

75. Whe
ment or made
successors for
continue to any
perty or from t
Board or its su
cancel such ar
diminish such c
least ~~six month~~
or managers of

76. (1) Every District Board shall on or before the prescribed day in each year, hold a meeting at which the Standing Committee shall submit to the Board in such form as the Government may, from time to time, by rule prescribe an estimate of the income and expenditure of the Board for the next official year.

Annual estimates of income and expenditure

(2) The District Board shall consider the estimate and may approve of it with or without modification.

Section 76 - Sub section (3)

(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to sanction the estimate with such modification, if any, as it deems fit.

76. (1) Ev
cribed day in eac
Committee shall
ernment may, fr
of the income an
year.

(2) The D
may approve of it

Section 7

(3) The
day, cause a cop
Governmer
missioner
of his re
trict Boa
tent to t
the estim
if any, a

Proviso

Provided that the District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.

(1) ~~Provided~~
funds from on
or minor head
in the budget.

(5) No ex
for in th
by the Go
the year
without t
ment obta
~~List~~.

nil.

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government from time to time appoints in this behalf.

Annual accounts and audit.

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the fund remaining unspent, shall be prepared by the District Board and submitted to the Government.

Submission of abstract of accounts to the Government.

Notice of demand for fee, cess or other dues.

80. (1) When any sum not being a toll payable on demand—

~~(a) which by or under the provisions of this Regulation, is declared to be recoverable in the manner provided by this Chapter, or~~

(b) which is claimable as a fee, cess or other due under this Regulation or any rule or bye-law thereunder, shall have become due and remain unpaid ten days after the same is due, the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum, a notice in writing in a form to be prescribed by the rules framed in this behalf.

Inventory, sale.

82. The President or other person duly authorised as aforesaid shall make an inventory of the property distrained and if the amount due is not paid within fifteen days after distraint, the property may be sold.

of all the receipts and expenditure of every Annual accounts and audit.
be made up to the last day of every official
as the Government from time to time pres- may
examined and audited as soon as may be,
h official year by such persons as the Gov-
to time appoint in this behalf.

Verbal Changes calling for no remarks

of every annual account of a District Submission of abstract of accounts to the Government.
come under each head of receipts, the
nent, the works undertaken, the sums
rk ~~and the balance, if any, of the fund~~

The Change is intended to include the assets and liabilities of the Board, in the abstract to be sent up to Govt.

ets and liabilites shall
by the District Board
ed to the Government.

When any sum not being a toll payable on
~~ich by or under the provisions of this Regulation,~~
~~declared to be recoverable in the manner provided~~
~~this Chapter, or~~
ich is claimable as a fee, cess or other due under
is Regulation or any rule or bye-law thereunder,
all have become ~~due~~ and remain unpaid ten days
ter the same is due, the President of the District
oard or some person duly authorised by the Presi-
nt in writing in this behalf may serve upon the
rson or persons liable to pay such sum, a notice in
iting in a form to be prescribed by the rules framed
this behalf

'payable' is a better word than 'due' in this clause, because of the use of the word 'due' in the first line.

The President or other person duly authorised as
id shall make an inventory of the property distrained, ~~and~~

There should be a provision for a copy of the list of properties distrained being given to the party or his agent, to prevent risk of fraud &c. There is such a provision in the Code of Criminal Procedure.

a copy of which shall, on demand, be
delivered to the defaulter or any
person on his behalf, and

due is not paid within fifteen days after distraint,
may be sold,

Section 84

Conditions of distraint and sale.

84. (1) Whenever, under the provisions of this Regulation, any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of Section 62 of the Code of Civil Procedure.

Exemption from distraint and sale.

(2) All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

Limit of distraint.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

Perishable property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody and the amount due will exceed its value, the person seizing the property shall at once, after seizure of such property, give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.

Surplus sale proceeds.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period shall be credited to the District Fund.

nil

Conditions of distraint and sale.

84. any property non-paymen distraint, se

provisions of th Code of Civil P

(1) (2) All exempted from be exempt fron

(2) (3) The property distrai to the amount distraint fee an tion and sale of

(3) (4) Whe natural decay, and the amount property shall at to the person in effect that it wil unless the amou

(4) (5) Any amount of the fe including the exp if made within si demand be made District Fund.

(5) If any

2 third person to

under the provis

President shall

summary enquiry

If the claim be

property shall be

Except in so far

perty shall be so

chaser shall be g

proceeds shall be

directed.

Provided tha

Sub-section shall

distrained,

~~entertainment of~~

~~respect of a claim~~

~~under this Regulat~~

~~passed~~

enever, under the provisions of this Regulation,
strained, seized or sold in consequence of the
ay fee, cess or other dues, not being a toll, such
and sale shall be effected subject to the

owing sub-sections and of Section 62 of the
ure.

roperty as is by the Civil Procedure Code — Exemption from distraint and sale.
ament or sale in execution of a decree shall
aint or sale under this section.

ess shall not be excessive, that is to say, the — Limit of distraint.
hall be, as nearly as possible, proportionate
n account of the fee, cess or other dues and
probable expenses incidental to the deten-
aid property.

property seized is subject to speedy and — Perishable property.
hen the expense of keeping it in custody
will exceed its value, the person seizing the
, after seizure of such property, give notice
se possession it was when seized to the
sold at once, and shall sell it accordingly
ue be forthwith paid.

lus that may remain after deducting the — Surplus sale proceeds.
cesses or dues and of the said expenses,
s of the sale, shall be returned on demand
months to the owner of the property, or if no
within such period shall be credited to the

Quite. There is no change except in numbering

laim shall be set up by a
able property distrained
ns. of this ~~Regulation~~ chapter, the
nit or reject his claim on a
d after reasonable notice.
itted wholly or partly, the
ealt with accordingly.
it is admitted, the pro-
and the title of the pur-
d for all purposes, and the
isposable as herein before

Claims to distrained property how to be disposed of

It is proposed to insert a provision for the ascertainment of claims against properties distrained, on the analogy of Sec 192 of the Land Revenue Code

The party's right of suit in a Civil Court is not to be affected

nothing ~~contained~~ in this
deemed to bar the claimant or any person interest in the property from seeking ~~any~~ relief ~~suit~~ in a Civil Court having jurisdiction.
~~to a property distrained~~
~~in or against an order~~

ny District Board may, with the sanction of the ppoint a Chief Officer ~~and~~ a Health Officer ~~and~~ an any one or more of such officers, or appoint one r temporarily, or permanently, to discharge the wo or of all such officers and pay such salaries to vernment having regard to the financial condition Board may direct.

District Board may appoint Chief Officer, Health Officer and Engineer.

(and

him or

Verbal Changes calling for no remarks.

to such rules, if any, framed by the Government to time, all such officers trict Board shall be sub- o the District Board. No er shall be removable from ept with the previous sanc- e Government.

It is proposed to make it clear that officers appointed under sub-sec are subordinate to the Dist Board.

The Chief Officer may, with the permission of the in virtue of a resolution passed in this behalf at any he District Board or of any Committee, make an n regard to any subject under discussion at such shall not vote upon or ~~make~~ move any proposition at such

calls for no remarks

The Government may, by order in writing, amend any ngs or resolution of a District Board which it considers ~~are~~ not in conformity with ~~law~~ and the rules or bye- orce thereunder and may do all things necessary to ch conformity.

15

It is proposed to omit the ~~words~~ words "wrong or". This extends over five powers of interference in matters in which there may be a difference of opinion - as the rest of the section is clear enough.

bject to such rules as the ment may frame from time to in this behalf, the Deputy ssioner of a District shall power -

to inspect the office of the ict Board or Boards in the District

to call for records of the Dis- or Boards in the District either own motion or on the application aggrieved party and to

e same with his opinion to the Government for such it may deem fit to pass, if he is satisfied that the order dings of the District Board or its executive is wrong or to law

It is proposed that the Deputy Comm's ~~Board~~ power to inspect, should be controlled by rules framed by Govt. The other changes are intended to confine his powers to the Distt Board or Boards within his district. It is proposed that Govt should frame suitable rules for his guidance & it is made clear that a D.C. has power to inspect only the Board or Boards in his Distt.

87. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer and a Health Officer and an Engineering or any one or more of such officers or appoint one person, whether temporarily, or permanently, to discharge the duties of any two or of all such officers and pay such salaries to them as the Government having regard to the financial condition of the District Board may direct.

District Board may appoint Chief Officer, Health Officer and Engineer.

(2) No such officer shall be removable from office except with the previous sanction of the Government.

(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at such meeting.

Government's power to amend proceedings of District Boards.

90. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be wrong or not in conformity with law and the rules or bye-laws in force thereunder and may do all things necessary to secure such conformity.

Inspection of offices of District Boards.

91. The Deputy Commissioner of a District shall have power—

(*a*) to inspect the office of any District Board,

(*b*) to call for records of any District Board either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law.

The Deputy Commissioner of District shall have
vise the proceedings of the District Board ~~on~~ the
tees in the District, and in the exercise of that
long other things) —

the

and of

Verbal changes calling for no remarks

call for and inspect for the
poses of this regulation, any
ument which may be in the posess
n, or under the control, of the
trict Board or a committee; and

Recast so as to restrict the power of the deputy Comm to call for documents only when they are to be inspected for the purposes of this Regulation

13 - Sub Section (2)

Deputy Commissioner makes any order under
ll forthwith forward to the Government a
ith a statement of the reasons for making it,
e discretion of the Government, ~~to rescind~~ &
~~ording the Board reasonable opportunity for stating~~
~~rtaining the views of the~~
~~oard~~, to rescind the order
~~ase~~,
t that it continue in force, with or without
ntly or for such period as it thinks fit.

Provision proposed to be made for ascertaining the views of the Board before passing orders.

9

Extraordinary powers of Deputy Commissioner in cases of emergency.

ses of emergency the Deputy Commissioner
execution of any work or the doing of any
Board is empowered to execute or do ~~and~~
tion (1) of section 45 and ~~the~~
~~ution or doing of which is necessary~~ in his opinion,
~~9~~
rvice or safety of the public, and may direct
executing the work or doing the act, with a
ition to the person appointed to execute, or
hwith paid by the District Board.

The extraordinary powers of the Deputy Comm are proposed to be restricted to [redacted] such works & acts as fall under the Obligatory orders of the Board.

Commissioner shall forthwith report to
case in which he exercises the powers
ction, ~~and the Government~~
h orders as it deems fit
~~in such case~~

on receiving such report

The addition calls for no remarks

Deputy Commissioner's power of supervision.

92. (1) The Deputy Commissioner of District shall have power to supervise the proceedings of the District Board on the several Committees in the District, and in the exercise of that power may (among other things) —

(b) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the District Board or a Committee; and

Section 93 - Subsection (2)

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

94. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a District Board is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section.

spute for the decision of which this Regula-
rwise provide, arises between two or more
between a District Board and one or more

/-

There is no provision for the settlement of disputes between a Dist Board & Village Panchayats This is proposed to be inserted

ouncils ~~or Village Panchayats~~,

the matter shall be referred to the Govern-
on shall be final and binding.

3 - proviso.

o person shall be convicted under this sec-
f such person,
hare in any joint stock company or a share
iety registered or deemed to be registered
operative Societies Regulation which shall

literary association or in any

vide Sec 11 for the reason

registered under the Societies Registration Regulation, 1904

l be brought against any District Board
ny person acting under its direction,
orting to be done under this Regula-
n of ~~one month~~ next after notice in-
delivered or left at the office of the
bode of such person, explicitly noting
ne name and the place of abode of the

Restrictions with respect to actions against District Board.

two months

ion shall be commenced within six
ccrual of the cause of action and not

Notice of one months is not sufficient to come to a decision as to whether the suit may be compromised or defended. It is proposed to enhance the period to two months.

Disputes.

97. If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils, the matter shall be referred to the Government whose decision shall be final and binding.

Section 103 – proviso.

Provided that no person shall be convicted under this section by reason only of such person,

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation which shall

contract with or be employed by or on behalf of the District Board, or

Restrictions with respect to actions against District Board.

105. No action shall be brought against any District Board or any of its officers or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff.

And every such action shall be commenced within six months next after the accrual of the cause of action and not afterwards.

107 (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure, or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, ~~xxxx~~ sewer or aqueduct in such street, shall be punished with fine which may extend to Rs.25/-

(2) The District Board shall have power to remove any such obstruction or encroachment and shall have the ~~right~~ power to remove any unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the ~~same~~ manner ~~xxxxxxxxxxxx~~ provided ~~in or~~ chapter V.II.

A fresh Section is proposed to be added, making Obstructions to or on a public street to Hence, as also giving the Dist Board power to remove such Obstructions. The Dist Boards have no such powers now.

SCHEDULE I.

R VOTERS IN GENERAL CONSTITUENCY.

(See Section 9.)

all be qualified as a voter in a genera

x x

enant paying an annual rent of not less
n on account of land held by him in the
lder of an alienated village to which the
, VIII to X of the Land Revenue Code

ssessed
~~sse~~d to an annual tax on
or shops of not less than
e constituency, or

x x x

ssessed
~~sse~~d to income-tax to
ment and resides in the
cy.

(assessed to

Payment shall not be the criterion. If a man is assessed to not less than Rs 25/- he shall be eligible. This is in accordance with a resolution accepted by the Govt.

ditto —

ditto —

Obstructions and encroachments upon public streets and open spaces.

nil

in Convictions by Magistrate

SCHEDULE I.

QUALIFICATIONS FOR VOTERS IN GENERAL CONSTITUENCY.

(See Section 9.)

(1) A person shall be qualified as a voter in a general constituency who—

(ii) is a Kadim tenant paying an annual rent of not less than Rs. 25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(iii) pays annually a tax on buildings or shops of not less than Rs. 5 in the constituency, or

(vii) pays income-tax to the Government and resides in the constituency.

QUALIFICATIONS

(1) A person constituency who—

(ii) is a Kadi than Rs. 25 per ann constituency to the provisions of Chapte have been applied; o

(iii) is building Rs.5 in

(vii) is the Gove constitu

SCHEDULE II.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

(b) as a hotel, bakery, sweetmeat shop or for the sale of articles intended for human food or drink,

(c) for any of the purposes mentioned hereunder—
(1) for boiling or storing offal, blood, bones or rags,
(2) for salting, curing and storing fish,
(3) for sorting hides, horns or skins,

SCHEDULE III.

Maximum rates of tolls.

(See Section 66.)

		Rs. a. p.
1.	On every motor car	1 0 0
2.	On every motor tricycle or bicycle ...	0 4 0
3.	On every other vehicle of any description propelled by steam or other motor power	1 0 0
4.	On every four-wheeled carriage ...	0 12 0
5.	On every two-wheeled carriage on springs other than a jutka or ekka	0 8 0
6.	On every ekka or jutka, laden... ...	0 4 0
7.	On every ekka or jutka, unladen ...	0 2 0
8.	On every other vehicle with springs including tricycle and bicycle	0 2 0
9.	On every cart or other vehicle not on springs drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1 0 0
10.	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0 8 0
11.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0 8 0
12.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0 4 0
13.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules if laden	0 6 0

SCHEDULE II.

S FOR WHICH PREMISES MAY NOT BE USED
WITHOUT A LICENSE

is a hotel, bakery, sweetmeat shop
or the sale of articles intended
human food or drink,

x x x

or any of the purposes men -
d hereunder-

toring hides, horns, skins, or
ic manure.

'Sorting' is a mistake for 'Storing'
Organic manure is proposed to be
added to the list.

SCHEDULE III.

rates of tolls.
section 66)
motor bus as defined
Vehicle Rules

	Rs	a	p
	2	0	0
y motor car	1	0	0
motor tricycle or bicycle ...	0	4	0
other vehicle of any description ed by steam or other motor power	1	0	0
four-wheeled carriage ...	0	12	0
y two-wheeled carriage on springs an a jutka or ekka	0	8	0
ekka or jutka, laden... ...	0	4	0
ekka or jutka, unladen ...	0	2	0
other vehicle with springs includ- cycle and bicycle	0	2	0
y cart or other vehicle not on drawn by eight bullocks, buffa- lorses, ponies, asses or mules, if	1	0	0
cart or other vehicle not on drawn by 8 bullocks, buffaloes, ponies, asses or mules, if not	0	8	0
cart or other vehicle not on drawn by 6 bullocks, buffaloes, ponies, asses or mules, if laden ...	0	8	0
cart or other vehicle not on drawn by 6 bullocks, buffaloes, ponies, asses or mules, if not	0	4	0
y cart or other vehicle not on drawn by 4 bullocks, horses, buf- ponies, asses or mules if laden ...	0	6	0

and

Rs The maximum rate
Vote in the case of Motor
Busses is proposed to be enacted.

		Rs.	a.	p.
14.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if not laden	0	3	0
15.	On every cart or other vehicle not on springs, drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0	4	0
16.	On every cart or other vehicle not on springs drawn by 2 buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
17.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden ...	0	2	0
18.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
19.	On every buffalo or bullock per head, if laden	0	1	0
20.	On every buffalo or bullock per head, if not laden	0	0	6
21.	On every elephant	1	0	0
22.	On every camel, if laden	0	4	0
23.	On every camel, if not laden	0	2	0
24.	On every horse, if laden or ridden ...	0	1	6
25.	On every horse, if unladen or unridden ...	0	0	9
26.	On every thattu or mule, if laden or ridden	0	0	9
27.	On every thattu or mule, if unladen or led	0	0	6
28.	On every ass, if laden or ridden ...	0	0	6
29.	On every ass, if unladen or led ...	0	0	3
30.	On every sheep, goat or pig ...	0	0	1
31.	On every palanquin, dooly, palna or tonjon with two bearers	0	2	0
32.	On every palanquin, dooly, palna or tonjon with more than two bearers ..	0	4	0

N.B.—Animals drawing any vehicle for which toll can be demanded are not also to be charged with toll.

	Re.	a.	p.
very cart or other vehicle not on ings drawn by 4 bullocks, horses, buf- es, ponies, asses or mules, if not en	0	3	0
very cart or other vehicle not on ings, drawn by 2 bullocks, buffaloes, ses, ponies, asses or mules, if laden ...	0	4	0
very cart or other vehicle not on ngs drawn by 2 buffaloes, bullocks, ses, ponies, asses or mules, if not en	0	2	0
very cart or other vehicle not on ngs drawn by a single bullock, buf- , horse, pony, ass or mule, if laden ...	0	2	0
very cart or other vehicle not on ngs drawn by a single bullock, buf- , horse, pony, ass or mule, if not en	0	1	0
very buffalo or bullock per head, if n	0	1	0
very buffalo or bullock per head, if laden	0	0	6
very elephant	1	0	0
very camel, if laden	0	4	0
very camel, if not laden	0	2	0
very horse, if laden or ridden ...	0	1	6
very horse, if unladen or unridden ...	0	0	9
very thattu or mule, if laden or ridden	0	0	9
very thattu or mule, if unladen or led	0	0	6
very ass, if laden or ridden ...	0	0	6
very ass, if unladen or led ...	0	0	3
very sheep, goat or pig ...	0	0	1
very palanquin, dooly, palna or tonjon two bearers	0	2	0
very palanquin, dooly, palna or tonjon more than two bearers	0	4	0

awing any vehicle for which toll can be demanded are not also

Fo 595 A

No. 3401/Legis. Office of the Secretary, Legislative Council,
Bangalore, Dated 11th December 1925.

Notification.

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore District Boards Bill is published for general information with the Bill as amended by them.

By Order,
R. Ranganathan
Secretary,
Mysore Legislative Council.

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette in English and Kannada and for supplying 150 - copies in English and 50 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

Copy to the Translator.
The amended Bill is sent in original and it is requested that the same may kindly be used ~~either~~ and returned without disturbing the arrangement

11/12/25

11.12.25.

Report of the Select Committee ~~on~~ appointed to consider the Mysore District -

Boards Bill.

--:0:--

We the members of the Select Committee appointed to consider the District Boards Bill met and considered the Bill at six sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by - us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(Sd) B. Nagappa.

" M. Zahiruddin Mecci.

" B. Abdur Rahmon.

" H. Venkatramia. *

" Sylvester Pais.

" G. Paramasiviah.

" W. L. Crawford.

" N. S. Nanjundiah.*

" K. Chandy (Chairman).

* (Signed subject to a note of dissent).

We the members of the Select C
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require changes, the amendments proposed by
us, and the reasons therefor are noted below.
We recommen: that the Bill as amended by us
may be passed by the Council.

Preamble:

Whereas it is expedient to consolidate and amend the law relating to District Boards and District Funds, it is hereby enacted as follows:—

clause

clause

clause

2

...thereby imposed shall so far as may be, be deemed to have been made, issued, imposed, entered into and instituted under this Regulation;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such restrictions and conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation.

repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Regulation;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation provided, that any funds set apart for a specific purpose by the aforesaid Boards, shall not be diverted for any other purpose, without the consent of ~~the District Board thus constituted~~ Govt. (Sec)

"Restrictions" is ~~not a suitable~~ word; ~~there will be no restrictions of the Board.~~ Further the word "conditions" is comprehensive and includes restrictions also.

The Conclusive Clause will ensure that the only when Govt. are newly constituted Board do agree that funds set apart for one purpose cannot be diverted for a different object-ion.

Interpretation 3. In this Regulation--

(1) "District" means any local area, which for the purposes of collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the official gazette, from time to time declare to be a District or to be attached to and to form part of a District.

Interpretation. 3. In this Regulation--

(1) "District" means any local area, which for the purposes of the collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the Official Gazette, from time to time, declare to be a District.

The words ~~struck out are~~ unnecessary in view of the power given to Government to declare any area as a District for the purposes of this Regulation

4

Section 7, qualifying

(c) [illegible] no [illegible] or

(d) [illegible] Code of Criminal Procedure, 1904, as provided under Section 110 of this Code, such order not having been subsequently reversed or quashed, or

(i) [illegible] order of a competent court [illegible]

or

(c) [illegible] Code of Criminal Procedure, 1904, as provided under Section 110 of this Code, such order not having been subsequently reversed or quashed, or

9

The figure 180 is incorrect. It should be 118.

(c) has been dismissed from Municipal, District Board or Government service or

(2) X (c) has been dismissed from Municipal, District Board or Government service and debarred from being entertained in such service, or

Disqualification should be confined to cases where in addition to dismissal, a person is debarred from being re-entertained.

Provided that—
the disqualifications in clauses (*a*), (*b*), (*c*), (*d*) and (*e*) will cease to operate after expiry of ten years from the date of such sentence, order, dismissal, withdrawal, or removal or earlier by an order of Government.

(3) X

"Provided that--

(i) the disqualification in clause (a) will cease to operate after expiry of three years from the ~~date of such conviction~~ Expiry of the Sentence or earlier by an order of Govt. and that in clause (b) after expiry of the period during which the person is ordered to furnish security; and

(ii) the disqualifications in clauses (c), (d) and (e) will cease to operate after expiry s from the date of such dismissal

The period during which disqualification under clauses (a) will subsist, is reduced to 3 years and that in (b) to the period during which security is ordered to be furnished. In offences punishable with more than six months imprisonment both heinous and minor offences, the power of Govt to remove the disqualification earlier than 3 years is retained.

As regards clauses (c), (d) & (e), the existing provision remains including power of Govt to remove the disqualification

11. Any person whose name is entered the list prepared under Section 8 ~~...~~ constituency and who is not a female, or

a salaried officer or servant of the District Board or the Government, and

Who has not directly or indirectly by himself or his partner any share or interest in any work done by order of a District Board or in any contract or employment with or under or by or on behalf of District Board,

may be a candidate at any election in such constituency;

Provided that—

(1) no person shall be disqualified by reason only of such person

(a) having a share in any joint ~~...~~ company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or

Qualifications necessary for election to District VBoards..

registered under the Societies Registration Regulation 1909

12. (1) If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the Board

Vacation of seats and re-eligibility of members.

11. Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female, a salaried officer or servant of the District Board or the Government, and any person who has not directly or indirectly, by himself or his partner any share or interest in any work done by order of the District Board or in any contract or employment with or under or by or on behalf of the District Board,

may be a candidate at any election in such constituency;

Provided that—

(1) no person shall be disqualified by reason only of such person

(a) having a share in any joint stock company or a share or interest in any literary Association or in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or

12(1). If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this Regulation his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it.

The third para relating to share and interest, ~~governs~~ governs all cases and hence the changes ~~proposed~~. viz., omission of "or" in the first para, and addition of "any person" in the second para

~~It is proposed to include~~ Literary Associations ~~also~~ are also included

The word "Section" should be replaced by "Regulation".

The portion ~~omitted~~ struck out is unnecessary.

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall if otherwise duly qualified be subject to the proviso to Section 11, eligible for re-election or re-appointment.

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall if otherwise duly qualified and subject to the proviso to Section 11 be eligible for re-election or re-appointment.

Calls for remarks

Elections when to be held and procedure for elections or nominations in particular cases

13 (1) Subject to such rules as may be prescribed in this behalf every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf

(2) (a) Where the number of duly qualified candidates is not more than the number of members required to be elected the Deputy Commissioner shall declare all such candidates to be elected

(b) Where there is no duly qualified candidate or where the number declared under clause (a) above is less than the number required to be elected, the Deputy Commissioner shall report the fact to Government with proposals for nominating the required number of members.

13 (1) Subject to such rules as may be prescribed in this behalf every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf

(2) (a) Where the number of duly qualified candidates is not more than the number of members required to be elected the Deputy Commissioner shall declare all such candidates to be elected

(b) Where there is no duly qualified candidate or where the number declared under clause (a) above is less than the number required to be elected, the Deputy Commissioner shall report the fact to the Government with proposals for nominating the required number of members.

(3) When the number of duly qualified candidates is equal to the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected

(4) In any election of a member of a District Board under this Regulation where there is an equal number of votes in favour of each of two or more persons who are willing to take office the addition of one of them

Sub clauses (2) and (3) are somewhat cumbrous and more portions are required The [illegible] cast without in any way affecting the sense

clause clause
Section 14-and section (3)- application.

Application - The expression "a profit," includes a promise for the benefit of the person himself or any person in order to induce him to vote, but does not include a promise to vote for or against any particular measure which may come before a district court for consideration.

clause clause
Section 14 and section (4)- explanation.

Application - The expression "a profit," includes a promise for the benefit of the person himself or any person in order to induce him to vote, but does not include a promise to vote for or against any particular measure which may come before a district court for consideration.

"a" is replaced by "the" to define the particular district court, in lieu of any correct practice in question.

clause clause
Section 15-and section (5)- service.

Any person who may be disqualified from voting, by virtue of the foregoing section, shall, if he shall vote at any election in a district court, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

clause clause
Section 15 - and section (6)- service.

Any person who may be disqualified from voting by virtue of the foregoing section, shall, if he shall vote at any election in a district court, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

16. Any person who may be disqualified from voting by virtue of the foregoing section, shall, if he shall vote at any election in a district court, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

16. Any person who may be disqualified from voting by virtue of the foregoing section, shall, if he shall vote at any election in a district court, be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

All persons may be qualified voters at such election.

The names of all electors finally elected to any district court, as shall be the duty of the returning officers and the official duplicates of the ex-officio returns, if any,

The names of all electors finally elected to any district court, as shall be the duty of the returning officers and the official duplicates of the ex-officio returns, if any,

Upon this vote, shall be published as soon as conveniently may be, in the official gazette.

Upon this vote, shall be published as soon as conveniently may be, in the official gazette.

Section 18 - Subsection (3)

Presidents and Vice-Presidents to reside at District Head-quarters.	(3) Every President other than an ex-officio President and every Vice President of a District Board shall reside at the District Head Quarters of the District for which the Board has been established.	.....	It is necessary to remove this restriction, which will come in the way of the appointment or election of suitable and desirable candidates who live within easy distance of Head-quarters and can attend to the work. There is also provision to remove a President, if he neglects his work.
Functions of Presidents.	19. The President of a District Board ~~shall~~ —	Functions of Presidents.	19. The President of a District Board shall
x x x x x		x x x x x	
	(d) furnish to the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the ~~meetings~~ proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 & 93.		(d) furnish to the Government through the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93.
			Recast so as to conform to the present practice.

~~Clause 20~~

~~Emergency powers of President~~ ~~of the District Board~~ to the President may in cases of emergency direct the execution ~~of~~ x x x x

~~Clause 1~~

(4) 20 (1) Any powers or duties or executive functions which may be exercised or performed by or on behalf of the District Board may be delegated in accordance with rules to be made by the Government in this behalf, to the President or to the Vice-President, or to the Chairman of the Standing, Economic, Public Health or other committee or to one or more Stipendiary or Honorary officers, but without prejudice to any powers that may be exercised or duty have been imposed on a chief officer under section 87 or any committee by or under sections 31, 32, 33 and 34, and each person who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

Powers duties and functions may be delegated to officers whose expenses may be paid

(5) X

Provision is made for the delegation of the powers that may be exercised or the duties that may be performed by the District Board to the President or Vice-President or other officer or officers and they may be paid the expenses necessarily incurred by them

(2) The President of the District Board may in cases of emergency direct the execution x x x x.

Emergency powers of President

This is the existing clause re-numbered as (3).

Disqualification of Member after election.	26. (1) Any Member of a District Board who, during the term for which he has been elected or appointed,	Disqualification of Member after election.	26. (1) Any Member of a District Board, who during the term for which he has been elected or appointed,
x x x x x		x x x x	
(c)	is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant.	(c)	is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself from three consecutive meetings of the Board shall cease to be a member and his office shall become vacant.

without the leave of the Board

The Board ordinarily meets once in three ~~months~~ quarterly months. It is ~~better~~ desirable to fix this absence with reference to meetings held. Three meetings is the limit fixed in the Municipal Regulation & is proposed to be adopted here also.

~~Section 29 - Subsection (2)~~

28 (2) In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a Member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in ~~whose~~ whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

Section 28 - Subsection (2)

27 (2) In the event of a vacancy occurring on account of death, ~~shall be~~ resignation, disqualification or removal of a member of a District Board ~~filled up~~ previous to the expiry of the term of office, the vacancy shall be filled up by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

The words " as soon as conveniently may be " are ~~unnecessary~~ to be omitted, as unnecessary.

~~Clause 28~~

28 (4) "Notwithstanding anything contained in ~~Sub Sections~~ (2) and (3) it will be open to the District Board to direct that a vacancy be left unfilled until the next ordinary election if the term of office of that vacancy ~~which~~ would in the ordinary course of events have determined within six months of the occurrence of such vacancy."

Nil

(6) X

If the next ordinary election is coming on within six months it is not necessary to fill up a vacancy. If an election is to take place, the time & labour involved would have been almost wasted if the term of the member elected, expires soon after the election.

This is necessary in order to save the time & labour involved in an Election when the period is very short.

~~Section 29 - Subsection (2) Clause (a)~~

29 (2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the dates of the subsequent quarterly meetings shall be fixed at the previous meeting of the Board; but the President may, whenever he thinks fit, and shall, upon a written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. When the President and the Vice-President are unable or fail for any reason to call a meeting, the Deputy Commissioner may exercise the powers of a President for that purpose.

~~Section 29 - Subsection (2) clause (a)~~

21 (2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the date of each subsequent quarterly meeting shall be fixed at the previous meeting of the Board provided that the President may for sufficient reasons alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one fourth of the members and for a date within twenty one days from the receipt of such request, call a special meeting. Such request shall specify the object for which a meeting is proposed to be called. When the President or in his absence the Vice-President, is unable or fails for any reason to call a meeting, the Deputy Commissioner may exercise the powers of a President for that purpose.

The clause is recast to allow the President to alter the date of a meeting to a subsequent date. In practice this is done, but there is no provision for it. It is also provided that whenever a special meeting is wanted, the objects for which the meeting is to be called should be specified.

~~30 - Clause (b)~~

1(2) (b) Twenty-one clear days' notice of a quarterly meeting and fourteen clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting, any motion or proposition mentioned in any written request made for such meeting.

~~30 - Clause (b)~~

29(2) (b) Fourteen clear days' notice of a quarterly meeting and ten clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

10 days for an ordinary & 7 days for a special meeting is the period now required. While this is short the proposed period of 21 & 14 days seems too long. Hence the change.

The number of days for a general and a special meeting is proposed to be curtailed. The ~~existing~~ numbers are 10 & 7 days which are very short notice and 21 and 14 days are too long as many references may be received in the meanwhile. No a medium is proposed.

'Circulated' would necessitate the whole paper being sent to each member, which would mean undue delay. It is ~~proposed to be~~ sent.

~~clause (c)~~

29 (2) (c) if less/ than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the District Board office and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there is a ~~full~~ quorum present or not.

~~clause (c)~~

29(2)(c) one-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If at the time appointed for the meeting or within half an hour thereafter a quorum is not present, the presiding authority shall adjourn the meeting to such hour or some future day as he may reasonably fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting, the business which would have been brought before the original meeting shall be transacted whether/ there is a quorum present or not, provided that not less than five members are present.

It is proposed to make it more clear that the President may adjourn a meeting if no quorum is present at the time appointed for the meeting or within half an hour thereafter. The provision in the Bill is vague on this point. The quorum is also fixed. For an adjourned meeting no quorum is necessary, but it is proposed to fix the minimum number to transact business at 5 to prevent only two or three members disposing of what may be important matters.

~~sub-clause~~ 29 (2) (f)

All questions shall, ~~x~~ x x ~~shall~~ be decided by a majority of votes of the members present, x x x x

(7) x

sub-clause 29 (2) (f)

All questions shall, x x x be decided by a majority of votes of the members present and voting, x x x.

Some of the members present may not choose to vote. Hence, it is necessary to add the words "and voting"

~~(h) clause (h)~~

(12) (h) If the presiding authority is believed by the members present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

~~(h) clause (h)~~

29(2) (h) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Board may be chosen or elected to preside at the meeting during the continuance of such discussion.

The clause is ~~proposed to be~~ recast so as to permit any member present to take objection to the presiding authority on the ground of pecuniary interest in the matter under discussion. The presiding authority need not absent himself, though he cannot take part in the discussion or vote or preside. Provision is also ~~proposed to be~~ made to choose somebody else to preside, as para (e) of the sub clause section does not provide for all cases that may arise, e.g. where objection is taken to a Chairman who is selected under para (e) in the absence of the President and Vice-President.

~~No clause (k)~~

29(2) (k) ~~No~~ resolution of a District Board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one half of the whole number of members and passed at a quarterly or special meeting, whereof notice shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or ~~entire~~ cancellation of such resolution.

~~No clause (k)~~

29(2) (k) no resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution ~~supported by not less than one half of the whole number of members and~~ passed at a quarterly or special meeting, notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

A District Board meets once in three months ordinarily. As the clause at now in the Bill, a resolution at one meeting can be cancelled at the very next meeting, which is not desirable. The period is therefore proposed to be raised to six months. The other change is intended to remove any possibility of doubt and to make it clear that a resolution of the Board can be cancelled by a subsequent resolution only when it is passed by not less than half the number of Members.

~~Section 29 sub-section (4)~~

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if any, on the Government may pass such orders as it may think proper.

~~Section 29 sub-section (4)~~

29 (4) A copy of every resolution passed by a District Board at a meeting, shall, within ten days from the day of the meeting, be forwarded to Government through the Deputy Commissioner and the Government may pass such orders thereon as it may think proper.

~~Wide reason assigned for the~~ change in clause (d) of sec. 29. Recast so as to conform to the present practice.

~~Section 30 sub-section (1)~~

30 ( ) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board and the Government in this behalf.

~~Section 30 sub-section (1)~~

30 (1) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board.

The last six words are struck out as unnecessary, in view of the fact that the rules made by the Board cannot be inconsistent (sec. (1)) with those made by Government under section 30 clause

clause

~~Section 31 - sub-section (1)~~

Standing Committees.

31. (1) Every District Board shall appoint a Standing Committee consisting of such number of members not being more than seven and not less than five as the Board may determine.

~~Section 31 - sub-section (1)~~

Standing Committees.

31. (1) Every District Board shall appoint a Standing Committee consisting of the President, the Vice-President, if any, and other members of the Board. The total number of members of such standing Committee shall not be more than seven and not less than five as the Board may determine.

the presence of the President and the Vice-President, if any, appears to be desirable, if not necessary, on the Standing Committee; and the number including them should not exceed seven. Hence the change.

~~Section 31 - sub-section (2)~~

31 (2) The President of the District Board shall be ex-officio member and Chairman of the Standing Committee in addition to the members appointed under sub-section (1).

~~Section 31 - sub-section (2)~~

31 (2) The President of the District Board and in his absence the Vice-President, shall be ex-officio Chairman of the Standing Committee.

This is to provide for the Vice President as stepping into the place of the President during his absence.

38. The Principal Sanitary officer and the principal Medical Officer of the District, the Senior Surgeon and Sanitary Commissioner, the Veterinary Superintendent and the Assistant veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so.

Certain Government officers entitled to attend and speak and District Boards may require officers to furnish advice.

Certain Government officers entitled to attend and speak and District Boards may require officers to furnish advice.

38. The principal Sanitary Officer and principal Medical Officer of the District, the Senior Surgeon, the Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Director and Assistant Director of Industries, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so.

Director and Assistant Director of Industries are ~~proposed to be~~ added to the list, as the District Board may sometimes deal with matters connected with that Department.

Section 32 - sub-section (1)

32.(1) It shall be lawful to the District Board to appoint as a member of the said Committee any person of either sex who is not a member of the Board, but who may, in the opinion of the Board, possess special qualifications for serving on the Committee.

Section 32 - sub-section (2)

32 (2) It shall also be lawful for the District Board to appoint temporarily additional members of either sex, whenever necessary for the consideration of any particular subject or subjects.

Section 32 - sub-section (3)

32 (3) It shall be lawful for the District Board to appoint as members of the said Committee any persons of either sex who are not members of the Board but who may, in the opinion of the Board, possess special qualifications for serving on the committee. Such persons may be appointed to the said committee either during the term of the said Board or temporarily for the consideration of a particular subject or subjects.

There is no apparent difference between sub-sections (1) and (2) unless it be regarding their term. The two are proposed to be combined into a single sub-section, bringing out also the nature of their appointment.

Section 33 - sub-section (1)

33. (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. The said members may co-opt the District Medical Officer of the District or any ex Medical or Sanitary Officer of Government or a legally qualified Medical Practitioner to be a member of the Committee for a period not exceeding the term of their own office.

Public Health Committee.

Section 33 - sub-section (1).

33 (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. The District Board may co-opt, for a term not exceeding the term of office of the said Board, either the District Medical Officer of the District or any retired or Military officer of the Government or a legally qualified Medical Practitioner to be a member or members of the said Committee.

Public Health Committee.

Slightly recast, without altering the sense, but to provide for more than one of such officers being co-opted.

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such informality.

Acts of Boards, etc. not to be invalidated.

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such informality.

Acts of Boards, etc. not to be invalidated.

The word "were" is ~~proposed to be~~ struck out as unnecessary.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Roads constructed by District Boards to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Provided that such portion of a District Board road, as may lie within the area of a Municipality shall vest in the Municipal Council of such Municipality.

The proviso is ~~proposed to be~~ added in order to avoid a conflict with section 63 of the Municipal Regulation which vests all roads within the limits of a Municipality in the Municipal Council.

48. (1) Every District Board, shall, so farae the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the follow-ing matters within the area subject to its authority:-

Duties of the District Board.

(a) construction, repair and maintenance of public roads and other means of communication;

(b) planting and preservation of trees on the sides of roads and on other public ground;

(c) establishment, management, maintenance and visiting of schools, hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions;

(d) construction and repair of public wells, tanks and water works, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes;

(f) sanitary works and measures necessary for the public health including sanitation during jatras or fairs and festivals;

Duties of the District Board.

45. (1) Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the following matters within the area subject to its authority:-

(a) construction, repair and maintenance of public roads and other means of communication which are not under the control of ~~Village Panchayets~~ any other local body or Govt.

(b) planting and preservation of trees on the sides of roads and on other public grounds in its control;

(c) x x x x

(d) construction and repair of public wells, tanks and water works, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes;

(f) Measures necessary for the public health, sanitation and other local services affecting villages under different panchayets and control of and sanitation during jatras or fairs and festivals"

(a) In the area under the control of the Distt Board, there may be roads to which are under the control & management of Govt or other local bodies. The Distt Board is not responsible for such roads &c.

(b) This only in respect of roads & public grounds under its control. Distt Board can be called upon to plant & preserve trees.

(d) & (f) Upkeep of wells, tanks &c serving villages coming under different Panchayets and measures & services affecting such villages should fall within the scope of the duties of Distt Boards.

x x x x

(i) encouragement and development of co-operative societies;

(j) payment of expenses of maintenance and treatment of persons undergoing anti-rabic treatment subject to the general or special orders of the Government;

(k) improvement of the breed of cattle;

(l) maintenance of any building or other property vested in it under this regulation;

(m) with the previous sanction of Government any public reception, ceremony or entertainment or exhibition;

(n) the establishment and maintenance of relief and local relief works in time of famine or scarcity;

(o) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public.

(2) Any District Board may, at its discretion—

(a) x x x

(b) x x x

(c) x x x

(13) x omitted

~~10~~ This is transposed to discretion of Govt. under sub-clause (1) ~~Clause (i) is proposed to be omitted. As recommended by the L.S.G. Conference this item should be included in the duties of the Village Panchayats, moreover this comes under economic development.~~

~~Omit existing Clause (i)~~

(i) payment of travelling expenses of persons under-going anti-rabic treatment subject to the general or special orders of the Government;

The District Boards are now paying only the travelling allowance of persons who go for treatment. ~~This burden should not be increased and that rather indefinitely.~~ Hence the proposed change

(j) improvement of the breed of cattle;

(k) maintenance of any building or other property vested in it under this regulation;

(l) with the previous sanction of Government any public reception, ceremony or entertainment or exhibition;

(m) the establishment and maintenance of relief and local relief works in time of famine or scarcity; x x x

(n) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public in the District.

Vide reasons given against ~~sub-clause~~ (d) + (f) above

(2) Any District Board may, at its discretion—

(a) x x x

(b) x x x

(c) x x x

(d) encourage and assist co-operative societies in the District

Vide reasons noted against (j) in sub-clause (d) above

I ..

...overnment decision to be final in case of conflict between the District Boards and Village Panchayets in the performance of duties imposed on them.

45 (5) When a duty imposed on a District Board by or under the provisions of this regulation is also one imposed on a Village Panchayet by or under the provisions of the Village Panchayet Regulation 1816, and when there is a dispute between a District Board and one or more Village Panchayets in the performance of such duty, the matter shall be referred ~~xx~~ by the Deputy Commissioner to the Government whose decision shall be final.

A new sub-section is proposed to be inserted to provide for cases where there is a clash of jurisdiction of a District Board and a Village Panchayet, and each body tries to throw the burden on the other. In such cases the decision should rest with Government.

~~ower of Gov-~~ ~~ernment to resume property~~

46. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under section 47 or on such terms as the Government may determine.

Power of Government to resume property.

46. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under section 47 on such terms as the Government may determine after consultation with the Board.

It is desirable that the Board ~~ought to be~~ consulted, ~~in~~ ~~where~~ in such cases ~~and an~~ ~~addition is proposed~~ ~~to be made in~~ before action is taken

~~ower to per-~~ ~~mit temporary occupation or use of roads or places vested in the Board.~~

47. The President of a District Board may, subject to the bye-laws made in this behalf, permit the temporary occupation or use of a road or land vested in the Board for the erection of booths or use on the occasion of fairs and festivals, or for any approved purpose.

Power to permit temporary occupation or use.

47. Subject to the bye-laws made in this behalf, the President of a District Board may permit the temporary occupation or use of any road or land vested in the Board, for the erection of booths, or for any other lawful purpose.

Instead of trying to enumerate the purposes for which a road or land may be given, it is proposed to substitute the words "for any other lawful purposes" as the word "lawful" is more correct than "approved".

52. Yr. shall be lawful for a District Board

control of unwieldy traffic. Subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws to be framed by the District Board, it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed by the Deputy Commissioner under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any other construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

Persons besides the Deputy Commissioner may issue licenses for motor vehicles. Hence the proposed change.

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control of unwieldy traffic. Subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws to be framed by the District Board, it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any other construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights, and assistants and other general precautions.

Or words Calls for no remarks.

Report of the Select Committee appointed to consider the Mysore District Boards Bill.

We the members of the Select Committee appointed to consider the District Boards Bill met and considered the Bill at six sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(Sd) B. Nagappa.
" M. Zahiruddin Mecci.
" B. Abdur Rahmon.
" H. Venkatramia. *
" Sylvester Pais.
" G. Paramasiviah.
" W. L. Crawford.
" N. S. Nanjundiah.*
" K. Chandy (Chairman).

(Sed subject to a note of dissent).

:4. (1) All markets, slaughter-houses and cart-stands constructed and maintained out of the District funds shall be deemed to be public markets, public slaughter houses and public cart-stands respectively, and no public market shall be opened by a District Board without the previous sanction of Government.

markets slaughter houses and cart-stands.

(2) No private person shall continue to keep open a private market, slaughter-house or cart-stand lawfully established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (2) no person shall after the commencement of this Regulation, open or keep open a private market, slaughter-house or cart-stand.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market.

(4. (1) All markets, slaughter houses and cart-stands constructed and maintained out of the District funds shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market ~~xx~~ shall be opened by a District Board without the previous sanction of the Government.

markets, slaughter houses & cart-stands.

(2) No person shall continue to keep open a market, slaughterhouse, public cart-stand or public ferry established prior to the commencement of this Regulation, ~~except~~ keep open ~~a market, slaughter house, public cart-stand~~ unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (1), no person shall after the commencement of this Regulation, open or keep open a market, slaughterhouse, public cart-stand or public ferry.

(4) No person shall sell or expose for sale any article or animal in any ~~u~~ licensed market.

Public ferries are also proposed to be included in this sub-section. clause.

So far as cart-stands and ferries go, there is no reason why they should be licensed, if they are kept for private use. When they are public and fees are charged, they should be licensed. ~~Change is proposed accordingly.~~ The word 'private' is omitted in several places as it can-not be clear to cattle.

Necessary changes have been made.

[illegible] (1) All applications for license and renewals under this regulation may be decided by the President of the District Board; but then a license is refused, the person aggrieved by his order shall have the right of appeal to the district board whose decision shall be final.

(2) A license under this regulation shall be granted only on payment in advance of a fee of [illegible] to be prescribed but it shall be lawful for the President to cancel a license granted for breach of any of the conditions subject to which it was issued.

(3) Whoever buys one or more, without a license or after the cancellation of a license, any place for any purpose for which a license is required under this regulation shall be punished with fine which may extend to [illegible] and further fine which may extend to [illegible] for every day on which such use is continued after the date of first conviction.

[illegible] license. (2) An application for license and renewals under this regulation may be decided by the President of the District Board who may refuse a license or cancel a license granted on receipt of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the President, any person aggrieved by his order shall have the right of appeal to the District Board.

(3) A license under this regulation shall be granted only on payment in advance of a fee of such rates as may be prescribed.

(4) Whoever buys one or more, without a license or after the cancellation of a license, any place for any purpose for which a license is required under this regulation, shall be punished with [illegible] and further fine which may extend to [illegible] for every day on which such act is continued after the date of conviction or any other fine which may be [illegible] by the Magistrate.

the proper place for the purpose of cancellation of a license in sub-section (1) and sub-section (3); and the right of appeal could not be confined to cases where a license is refused, but should be given when a license is granted, suspended or cancelled. The sub-sections (1) and (3) are required to be recast accordingly.

Whoever buys one or more, without a license or after the cancellation of a license, any place for any purpose for which a license is required under this regulation, shall be punished with [illegible] and further fine which may extend to [illegible] for every day on which such act is continued after the date of conviction. The profits resulting by continuing to use a place without a license may be more than the fine. Hence the limits of the fine are proposed to be increased to, [illegible]. The Magistrate to proceed to the place [illegible] the discretion to allow such time to the party to discontinue using the place, in case where it is not possible to stop the use at once.

time and subject to such rules as ... be prescribed by Govt in this behalf and

District Board's power to make bye-laws.

7. (1) The District Board may, from time to time with the sanction of the Government, make bye-laws and cancel or alter the same as to not to be repugnant to any law in force:-

(a) for the general or special regulation, inspection, control of slaughter-houses, travellers' bungalows, rest-houses, serais, markets, slaughter-houses, hotels, bakeries, coconut shops, all other places used for the sale of articles intended for human food or drink, all places used by or for animals which are for sale or for hire or the produce of which is sold, all the places used for the purposes specified in schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold in or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

Verbal changes calling for no remarks.

(b) subject to the provisions of clause (d) of sub-section (1) of section 57 of the Madras Local Boards Act, 1920, for empowering the President or any other person authorised by him to enter, and inspect any building or land and to require that it shall be kept in a proper state for sanitary reasons;

(c) for empowering the President or any person authorised by the Board to enter and inspect any building or land and to require that it shall be kept in a sanitary condition;

The Board should have power to authorise any person to enter and inspect, but the President. The other change is merely verbal.

The necessary formalities — such as notice, publication of bye laws &c — to be observed before framing bye-laws, have not been included. This omission is rectified by giving power to Govt to frame rules in this behalf

57(1)(c) ~~Clause (c) sub-clause (iii)~~ (iii) for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting the use of such sources for any other purpose or purposes;	~~Clause (c) sub-clause (iii)~~ 57(1)(c)(iii) (iii) for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting their use for any other purpose or purposes;	Verbal change calling for no remarks.
57(1) (f) for regulating the use of public roads and the traffic thereon; and for securing cleanliness, safety and order in respect of the same;	57(1) (f) for regulating the use of public roads and the traffic thereon; for the temporary occupation or use of public roads and lands vested in the Board; and for securing cleanliness, safety and order in respect of the same;	There is no power to make bye-laws for the temporary occupation or use of roads and lands vested in the Board under Section 47. This is proposed to be rectified.
57(1) (g) for defining the conditions on or subject on which and the circumstances in which and the areas or localities in respect of which any licenses or permissions under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of licenses or permissions and the rents, fees and other charges to be levied for the use of any of the places specified in clause (c) or other property belonging to the District Board.	57(1) (g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any license or permission under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (c) or other property belonging to the District Board;	Verbal changes. Licenses are exempted no fees for licenses are already prescribed under Section 50. clause

57(1)(e) (11) for prohibiting any act of any person of unfair competition, as defined by the Act, after the effective date of this Act;

57(1)(e) (11) for prohibiting any act of any [illegible] unfair competition, as defined by the Act, after the effective date of this Act;

Could be in another section.

57(1)(e) (111) providing for the prevention of unfair competition by persons engaged in business prior to the enactment of this Act, and the continuance of such business or the use of a trade name therein substantially unchanged, where the unfair competition complained of consists in the use by such person of a trade name, mark, or trade symbol which may lawfully be used by any other person because of the right of such other person to the use thereof, as a matter of common law or as a result of the use thereof for a period of time without objection, where the court finds that the junior user has adopted such trade name, mark, or trade symbol with the intent to procure for his business the benefit of the reputation and good will of the business identified with the senior user and that the use by the junior user is likely to cause confusion or mistake in the mind of the public or to deceive the public into the belief that the junior user's business is connected with or has the sponsorship or approval of the senior user;

57(1)(e) (111) providing for the prevention of unfair competition by persons engaged in business prior to the enactment of this Act, and the continuance of such business or the use of a trade name therein substantially unchanged, where the unfair competition complained of consists in the use by such person of a trade name, mark, or trade symbol which may lawfully be used by any other person because of the right of such other person to the use thereof, as a matter of common law or as a result of the use thereof for a period of time without objection, where the court finds that the junior user has adopted such trade name, mark, or trade symbol with the intent to procure for his business the benefit of the reputation and good will of the business identified with the senior user and that the use by the junior user is likely to cause confusion or mistake in the mind of the public or to deceive the public into the belief that the junior user's business is connected with or has the sponsorship or approval of the senior user;

Vested Change to echo the existing clear.

57(1)(e) (iv) for enjoining the [illegible] of any trade name [illegible] by [illegible] to [illegible] which by reason of [illegible] or [illegible] is likely to cause confusion or mistake in the mind of the public or to deceive the public into the belief that the junior user's business is connected with or has the sponsorship or approval of the senior user, to recall [illegible] to remove [illegible] to destroy or otherwise dispose of [illegible] to cause [illegible] to be removed from [illegible] to cause [illegible] to be removed from [illegible] to cause [illegible] to be removed from

57(l)(e) (o)

57(l)(e) (o)

(a) for providing for--

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for ~~ply~~ plying ferry boats, the conditions on or subject to which such permissions may be granted and the fees payable in respect of such permissions;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat at one trip ;

(iv) the safe, speedy and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them;

(vi) the inspection of the ferries and ferry boats;

(vii) otherwise for the due discharge of their duty by ferrymen and ferrywomen and other persons employed at a public ferry;

(b) for providing for--

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for plying ferry boats, the conditions on or subject to which such permission may be granted ~~and~~ and the fees payable in respect of such permission;

Verbal changes

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat;

(iv) the safe, speedy and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them;

(vi) the inspection of the ferries and the ferry boats; and

(vii) otherwise for the due discharge of their duty by ferrymen and ferrywomen and other persons employed at a public ferry;

and (i) generally for carrying out the purposes of this Regulation.

A general power to make bye-laws as proposed is necessary.

(17) X

(2) "Any person infringing any bye-laws made under this Regulation shall, on conviction before a Magistrate, be punished with fine not exceeding fifty rupees for each offence and in case of a

This is another instance in clause 37 ~~Regulation~~ which is accepted. Otherwise bye-laws may be infringed with impunity.

District Board may prosecute

A District Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund.

60. A District Board or any Officer or committee of the Board authorised by the Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalty and for the punishment of any persons offending against the provision of this Regulation, or of any bye-law thereunder, and may order the expenses

It is proposed to authorise any Officer or Committee empowered by the Board to order prosecution. It will be inconvenient in practice otherwise.

(c) Compound any offence against this Regulation or against any bye-law made thereunder.

(c) Compund any offence against this Regulation or any bye-law made thereunder which under any enactment for the time being in force may lawfully be compounded.

Certain offences may not be compoundable. It is to guard against this that the clause is recast. Meanwhile, subject to no remarks.

(c) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may from time to time approve in this behalf and vary such investment with like sanction or dispose of such securities with the like sanction.

(c) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time approve in this behalf and vary such investment or dispose of such securities with the like sanction.

The words "with like sanction" are proposed to be omitted as redundant.

District Fund where to be expended

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation be made with the area subject to its authority only, but may, with the sanction of Government be made outside that area of any of the purposes mentioned in this Regulation.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges:-

(a) for audit of accounts of the District Boards;

(b) for maintenance and treatment of persons under-going anti-rabic treatment at rates approved by the Government;

(c) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government.

66. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation be made with the area subject to its authority only, but may, with the sanction of Government be made outside that area of any of the purposes mentioned in this Regulation.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges:-

(a) for audit of accounts of the District Boards;

(b) for the payment of travelling allowances of persons under going anti-rabic ~~treatment~~ at rates approved by the Government;

(c) for other charges expressly required or authorised District Fund by any law in force or rule or order made by the Government in confirmity with the provisions of this Regulation.

Districts Boards pay T.A. now. It is not desirable to burden them with more expenses on this account.

The last eight words are proposed to be added to safeguard the interests of the Boards. Expenses which are not contemplated by the Regulation may otherwise fall on them.

~~Section 66 Sub Section (4)~~

66(4) Exemptions from payment of tolls shall be regulated by the rules to be prescribed by the Government in this behalf.

66(c) Exemptions from payment of tolls shall be regulated by the rules prescribed by the Government in this behalf.

No remarks.

Section 66 Sub Section (5)

(19) X in the District

66 (5) No more than one payment of toll shall be demanded at any toll gate, station or bridge in respect of any carts, carriages vehicles or animals in any one period of 24 hours counted from sunrise provided that when toll has been paid at all toll gate, station or bridge in respect of any carts, carriages vehicles or animals not laden or unridden the difference between such tolls and the tolls payable in respect of such carts, carriages vehicles or animals again pass through such toll gate station or bridge, laden or ridden within such period.

66 (5) No more than one payment of toll shall be demanded at any toll gate, station, or bridge in respect of any carts, carriages, vehicles or animals in any one period of 24 hours counted from sunrise provided that when toll has been paid at any toll gate, station or bridge in respect of any carts, carriages, vehicles or animals not laden or ridden the difference between such tolls and the tolls payable in respect of such carts, carriages vehicles or animals, laden or ridden again pass through such toll gate, station or bridge laden or ridden within such period.

Exemption from payment of toll a second time within 24 hours should be confined to the District in which the first payment has been made.

"unrddden" is wrong. It should be "ridden"

shall be payable if such carts, carriages vehicles or animals

Section 66 Sub Section (8)

(8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road, or bridge, or whoever duly authorised to collect tolls, demands more than the rates authorised shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 200/- or to simple or rigorous imprisonment not exceeding six calendar months.

(8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road, or bridge or whoever duly authorised to collect tolls, demands or levies more than the rates authorised shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 200/- or to simple or rigorous imprisonment not exceeding six months.

Insertion of the word "levies" after demands appears to be necessary to cover all cases. "months" means "Calendar months" as defined in the general clauses Regulation. Hence the word "Calendar" is to be omitted.

64(c) In the case of the property of any [illegible] on account, the [illegible] to collect [illegible] which it is liable or any part thereof of sufficient value to satisfy the bill.

64(c) [illegible] to collect the [illegible] police may of the [illegible] vehicle or vessels on which it is chargeable or any part thereof of sufficient value to satisfy the bill.

By the change it is now [illegible] to make it clear that it is only after a person has been through [illegible] that [illegible] and has not [illegible] to his refusing to pay.

Power of District Board to levy Railway Dues.

66. The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a Railway Cess not exceeding one pie in the rupee on all items of revenue on which local cess is levied to be utilized solely in the construction of tramways and railways.

66. The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a Railway Cess not exceeding one pie in the rupee on all items of revenue on which local cess is levied to be utilized solely in the construction of tramways and railways or for guaranteeing the payment of interest on capital expended on any railway, tramway or other works which may directly increase the traffic on railways within the District or between the District and other districts.

The condition [illegible] if proper [illegible] Board may not be [illegible] to [illegible] up the work itself in such cases it may [illegible] to [illegible] on capital to Government or any Company offering to construct a line.

~~Rents and Fees~~

70. Subject to the bye-laws made in this beh lf, a District Bo rd may ch rge fees for permission issued und r this Regulation and levy ~~of~~ rents and fees for the occupation or use of any road land or other property placed under its control or vested in it or maintained out of the District Fund.

Rents and Fees.

70. Subject to the bye-laws made in this behalf a District Board may charge fees for any permission issued under this Regulation and levy of rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

No remarks.

~~Agency for collection.~~

71. The local cess, the railway cess and the education Cess shall be ~~d~~jucted or collected by the Departmental Government Officers or establishments c ncerned along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government provided it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by p blic auction, subject to the rules prescribed nd the amount due under such lease shall be recoverable in the manner provided und r Chapter VII.

Agency for Collection

71. The local cess, the railway cess and the ducation Cess shall be collected by the Departmental Government Officers or establishments conc rned along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of Government provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed und r this Regulation by public auction subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided under Chapter VII.

In case "adjusted" is not necessary. It may be omitted. ~~"adjusted" not~~

District Boards may raise loans and may form a sinking fund

72. It shall be lawful for a District Board with the previous sanction of Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a Railway or Tramway or for the execution of any approved work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans.

72. It shall be lawful for a District Board with the previous sanction of Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a Railway or Tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans.

As sanction of Government is obtained previously for any work, the use of the word "approved" in connection with the work to be undertaken is ~~necessary~~ not

Grant of loans to encourage local arts and industries.

73. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and to recover the same in the manner provided in Chapter VII.

73. Subject to the rules that may be made by the Government from time to time a District Board may grant loans from the District Fund to encourage local arts and industries and to recover the same in the manner provided in Chapter VII.

No remarks

no amendment at all. I & II extensions absolutely necessary.

Contributions to expenditure incurred by the Government of other local authorities and power to make grants-in-aid.

74. (1) Subject to the previous sanction to the Government a District Board may make grants-in-aid to any medical institution or school within or without the area under its authority whether it be under public or private management.

74. (1) Subject to the previous sanction of the Government a District Board may make grants-in-aid to any medical, educational or charitable institutions of public utility, within or without the area under its authority whether it be under public or private management.

or any other institution

It is ~~proposed to~~ include charitable institutions and other institutions of public utility are also ~~in the Section~~ including.

The Govt is not agreed.

74. (2) The Government may require a District Board to contribute towards the expenditure incurred by it or any other District Board, Municipal Council or Village Panchayat, for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board.

74. (2) The Government may require a District Board to contribute towards the expenditure incurred by it for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board.

While Government may employ the agency of another District Board etc., it has to take full responsibility before enforcing this section and hence mention of the agency is unnecessary.

Whether the agency, as the ~~Board~~ Enforce ~~Council~~ incurred ~~that~~ under the orders for this unnecessary to mention the various agents that may be employed for incurring the Expenses or carrying out the work

Arrangements purporting to be binding permanently or for a term of years.

When a District Board has entered into any arrangement or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors with the sanction of Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least six months' notice of its intention so to do to the managers ~~of such~~ or managers of such institution.

Arrangements purporting to be binding permanently or for a term of years.

15. When a District Board has entered into any arrangement or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors with the sanction of Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least one years ~~notice~~ notice of its intention so to do to the manager or managers of such institution.

The period of notice is proposed to be raised to one year so that the institution, which may have committed itself to expenditure in expectation of the continuance of the grant from the District Board may have sufficient time to adjust ~~its~~ finances.

Section 76 - Sub-Section (3).

(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy - Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to -- sanction the estimate with such - modification, if any, as it deems fit.	(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to -- Government through the Deputy Commissioner who shall forward a copy of his remarks, if any, to the District Board and it shall be competent to the -- Government to sanction the estimate with such modification, if any, as it deems fit.	This is in consonance with the changes proposed before. It is also proposed that a copy of his remarks should be sent to the Board, in order that the Board may answer any points raised by the Deputy Commissioner, before final orders are -- passed by Government.
- Do - Proviso.		
Provided that the District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.	(4) The District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.	This is not a proviso. It is proposed to treat it as a sub-section. clause
	(5) No expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.	The proposed addition is obviously necessary.

ANNUAL ACCOUNTS AND AUDIT.

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government from time to time -- prescribes, and shall be examined and audited as soon as may be after the end of each official year by such persons as the Government from time to time appoints in this behalf.

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government may from time to time prescribe, and shall be examined and audited as soon as may be, after the end of each official year by - such persons as the Government may from time to time appoint in this behalf.

Verbal changes calling for no remarks.

SUBMISSION OF ABSTRACT OF ACCOUNTS TO THE GOVERNMENT.

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the fund remaining unspent, shall be prepared by the District Board and submitted to the Government.

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and its assets and liabilities shall be - prepared by the District Board and submitted to the Government.

The change is intended to include the assets and liabilities of the Board, in the abstract to be sent up to --- Government.

NOTICE OF DEMAND FOR TOLL, CESS OR OTHER SUM.

(1) When any sumnot being a toll payable on demand-

x x x x

(b) which is claimable as a fees cess or other due under this Regulation or any rule or bye-law thereunder, shall have become due and remain unpaid ten days after the same is due, the President of the District Board or some person duly authorised by the President in writing in this behalf may serve -- upon the person or persons liable to pay such sum, a notice in writing in a form to be prescribed by the rules framed in this behalf.

80. (1) When any sum not being a toll payable on demand-

x x x x

(b) which is claimable as a fee, cess or other due under -- this Regulation or any rule or bye-law thereunder, shall have become payable and remain unpaid ten days after the same is due, the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum, a notice in writing in a form to be - prescribed by the rules - framed in this behalf.

'payable' is a better - word than 'due' in this clause, because of the use of the word 'due' already ~~in the first line~~. in para clause 78.

INVENTORY SALE.

82. The President or other person duly authorised as aforesaid shall make an inventory of the - property distrained and if the amount due is not paid within fifteen days after distraint, the property may be sold.

82. The President or other person duly authorised as aforesaid shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

There should be provision for a copy of - the list of properties distrained being given to the party or his agent, to prevent risk of fraud &c; There is such a -- provision in the Code of Criminal Procedure.

N i l.	Claims to distrained property how to be disposed of.	If any claim shall be set up by a third person to movable property distrained under the provisions of this chapter, the President shall admit or reject his claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall besold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed. Provided that nothing in this Sub-Section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.	It is proposed to insert a Provision for the entertainment of claims against properties distrained, on the analogy of Section 192 of the Land Revenue Code. The party's right of suit in a Civil Court is not to be affected.

DISTRICT BOARD MAY APPOINT CHIEF OFFICER, HEALTH OFFICER AND ENGINEER.

87. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer and a Health Officer and an Engineering or any one or more of such Officers or appoint one person, whether temporarily, or permanently to discharge the duties of any two or of all such officers and pay such salaries to them as the Govt. having regard to the financial condition of of the District Board may direct.	87. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer, a Health Officer and an Engineer, or any one or more of such officers, or appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all such officers and pay such salaries to him or them as the Government -- having regard to the financial condition of the District Board may direct.	Verbal changes calling for no remarks.

No such Officer shall be removable from office except with the previous sanction of the Government.

(2) Subject to such rules, if any, as may beframed by the Government from time to time, all such officers of the District Board shall be -- subordinate to the District Board. No such Officer shall be removable from office except with the previous sanction of the Government.

It is proposed to make it clear that officers appointed under Sub-Section (1) are subordinate to the District Board.

(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at such meeting.

(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or move any proposition at such meeting.

Calls for no remarks.

GOVERNMENT'S POWER TO AMEND PROCEEDINGS OF DISTRICT BOARDS

90. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be wrong or not in conformity with law and the rules or bye-laws in force -- thereunder and may do all things necessary to secure such conformity.

90. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be not in conformity with the provisions of this Regulation and the rules or bye-laws in force thereunder and may do all things necessary to secure such conformity.

It is proposed to omit the words "wrong or" as the rest of the sentence is clear enough.

INSPECTION OF OFFICES OF DISTRICT BOARDS.

91. The Deputy Commissioner of a District shall have power-

(a) to inspect the office of any District Board.

(b) to call for records of any District Board either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law.

91. Subject to such rules as the Government may frame from time to time in this behalf the Deputy Commissioner of a District shall have power -

(a) to inspect the office of the District Board or Boards in the District.

(b) to call for records of the District Board or Boards in the District either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law.

~~It is proposed that~~ Government should frame suitable rules for inspection by Deputy Commissioners and it is made clear that a Deputy Commissioner has power to inspect only the Board or Boards in his District.

Deputy Commissioner's power of supervision.

... (1) The Deputy Commissioner of District shall have power to supervise the proceedings of the District Board on the several Committees and in the exercise of that power may (among other things)--	93. (1) The Deputy Commissioner of the District shall have power to supervise the proceedings of the District Board and of the several Committees in the District, and in the exercise of that power may (among other things)--	Verbal changes calling for no remarks.
x x x x x	x x x x x	
(b) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the District Board or a Committee; and	(b) call for and inspect for the purposes of this regulation, any document which may be in the possession, or under the control, of the District Board or a committee; and	Recast so as to restrict the power of the Deputy Commissioner to call for documents only when they are to be inspected for the purposes of this Regulation
x x x x x	x x x x x	

Section 93 - sub section (2)

13.(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force, with or without modification permanently or for such period as it thinks fit.	93(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunity for stating its case to rescind the order or to direct that it continue in force, with or without modification permanently or for such period as it thinks fit.	Provision is ~~prepared~~ for ascertaining the views of the Board before passing orders.

Extraordinary powers of Deputy Commissioner in cases of emergency.

) In cases of emergency, the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a district board is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

91. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a District Board is empowered to execute or do under sub section (1) of section 63 and the immediate execution or doing of which is in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

The extraordinary powers of the Deputy Commissioner are proposed to be restricted to such works and acts as fall under the obligatory duties of the Board.

x x x x x

x x x x x x

(2) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section.

(2) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section, and on receiving such report the Government may pass such orders as it deems fit.

The addition calls for no remarks.

Disputes. 97. If any dispute for the decision of which this Regulation does not otherwise

Disputes.

97. If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils, the matter shall be referred to the Government whose decision shall be final and binding.

Disputes. 97. If any dispute for the decision of which this Regulation does not otherwise provide, arises between two or more District Boards or between

(7)

97. If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils, the matter shall be referred to the Government whose decision shall be final, and binding.

There is no provision for the settlement of disputes between a District Board and one or more Village Panchayats. This is proposed to be inserted the latter two words of the clause are omitted as unnecessary.

(30) X

Section 103 - proviso.

Provided that no person shall be convicted under this section by reason only of such person,

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board, or

Section 103 - proviso.

Provided that no person shall be convicted under this section by reason only of such person,

(a) having a share in any joint stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board, or

vide clause 11 for the reason.

Restrictions with respect to actions against District Board.

103. No action shall be brought against any District Board or any of its officers or any person acting under its direction for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff.

103. No action shall be brought against any District Board or any of its officers or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action, the name and the place of abode of the intended plaintiff, except in suits for the recovery of immovable property or for a declaration of title thereto, details regarding the relief sought need not be given.

Notice of one month is not sufficient to come to a decision as to whether the suit may be compromised or defended. ~~It is proposed to enhance the~~ the period to two months. is enhanced

such notice shall state — Calls for no remark

the relief sought, the amount or compensation, if any, claimed

Details as regards relief sought, amount claimed be should find a place in the notice, for the information of the Board. When the suit is for recovery of immovable property or for a declaration of title, [illegible]

108 "It shall be competent to the Government to declare that any District Board established under the Mysore Local Boards and Village Panchayets Regulation, 1918, and existing immediately prior to the commencement of this Regulation in the District shall be deemed to be a District Board established under this Regulation and exercise all the powers of a District Board under this Regulation until such date as the Government shall fix in this behalf The President, Vice-President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be ~~xxxxxx~~ deemed to have been appointed or elected under the provisions of this Regulation and their term of office shall expire on the aforesaid date fixed by the Government."

Transitory provision (22) X

Nil

SCHEDULE I.

QUALIFICATIONS FOR VOTERS IN GENERAL CONSTITUENCY.

(See Section 9).

(1) A person shall be qualified as a voter in a general constituency who --

x x x

Obstructions and encroachments upon public streets and open spaces.

107. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure, or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer or aqueduct in such street, shall on conviction by a magistrate be punished with fine which may extend to Rs.20/-.

(2) The District Board shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstructions or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in chapter VII.

A fresh section is proposed to be added making obstructions on a public street offences, giving the District Board power to remove such obstructions. The District Boards have no such powers now.

SCHEDULE I.

QUALIFICATIONS FOR VOTERS IN A GENERAL CONSTITUENCY.

(See Section 9)

(1) A person shall be qualified as a voter in a general constituency who ---

This is another alternative to avoid an interregnum when the Regulation is introduced into a District. Either elections may be held beforehand under proviso to sub-section (3) of section , or the existing District Board continues, till such date as Govt. may fix. During this period elections may be held.

(ii) is a ryotti tenant paying an annual rent of not less than Rs.2/- per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or	(ii) is a ryotti tenant assessed to an annual rent of not less than Rs.25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or	Payment should not be the criterion. If a man is assessed to not less than Rs.25/- he should be eligible. This is in accordance with the resolution accepted by the Government.
x x x x	x x x x	
(iii) pays annually a tax on buildings or shops of not less than Rs.5 in the constituency, or	(iii) is assessed to an annual tax on buildings or shops of not less than Rs.6 in the constituency, or	--ditto---
x x x x	x x x x	
(vii) pays income-tax to the Government and resides in the constituency.	(vii) is assessed to income-tax to the Government and resides in the constituency.	--ditto---
SCHEDULE II.	SCHEDULE II	
Purposes for which premises may not be used without a license.	Purposes for which premises may not be used without a license.	
x x x x	x x x	
(23) as a hotel, bakery, sweetmeat shop or for the sale of articles intended for human food or drink,	"as a dairy, hotel, resturant, eating house, coffee house, sweet-meat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control) or for supplying cooling ice or aerated waters,	This is necessary to specify in cases in which a license is necessary, other than a wine shop as is contained in Schedule.

for any of the purposes mentioned hereunder---

x x x x x

(3) for sorting hides, horns or skins.

x x x x x

) ~~xxxxxxxxx~~, for any of the purposes mentioned hereunder---

x x x x x

(3) for storing hides, horns, skins, or organic manure.

x x x x x x

'sorting' is a mistake for 'storing' Organic manure is proposed ~~to be~~ added to the list.

SCHEDULE III.

- - - - -

Maximum rates of tolls (See Section 66)

	Rs. as. p.	
On every motor car	1-0-0	
2. On every motor car	1-0-0	

SCHEDULE III.

Maximum rates of tolls. (see section 66)

	Rs. as. p.	
1. On every motor bus as defined in the Motor Vehicle Rules.	2- 0- 0	The maximum rate of toll in the case of Motor Busses is ~~proposed to be~~ inserted.

SCHEDULE II.

3401/Rules. Office of the Secretary, Legislat: Council, Bangalore, Dated 11th December 192:

Notification.

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore District Boards Bill is published for general information with the Bill as amended by them.

By Order,

Secretary,
Mysore Legislative Council.

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette in English and Kannada and for supplying 150 copies in English and 50 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

clauses which require amendment

~~To Section 2 of the Mysore District Boards Act, as referred to the Select Committee.~~

Preamble

Whereas it is expedient to consolidate and amend the law relating to District Boards and District Funds, it is hereby enacted as follows:—

Clauses as amended by the Select Committee

Provisions of the Mysore District Boards Act to be amended by the Bill as reported.

Preamble

Whereas it is expedient to consolidate and amend the law relating to Local Boards and Village Panchayets (Regulation No. VI of 1918), so far as it pertains to District Boards, it is hereby enacted as follows:

Reasons for the change. Proposed

The law that is proposed to be amended is contained in the Local Boards and Village Panchayets Regulation No. VI of 1918. The preamble is recast to show that it is this Regulation that is proposed to be enforced, so far as it relates to District Boards

clause

~~Section~~ Proviso

Provided that it shall be lawful, at any time after the passing of this Regulation to hold an election in any District in the manner prescribed in this Regulation or the rules framed thereunder but such election shall not take effect till the commencement of this Regulation in that District

Clause 1 —

~~Section~~ Proviso.

Provided that it shall be lawful at any time after the passing of this Regulation to hold elections in any District as prescribed in this Regulation or the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that District.

This is to avoid an interregnum when the Regulation is introduced into any district. Elections may take place beforehand, and as soon as the Regulation is introduced in a District, a District Board may be constituted at once.

clause

~~Section~~ 2 Proviso

Provided that

(b) any appointment, notification, order, scheme, license permission, rule, bye law, form, tax fee, cess or rate made, issued or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation 1918, or under any enactments or

Clause

~~Section~~ 2 Proviso

Provided that

(b) any appointment, notification, notice, order, scheme, licence, permission, rule, bye law, form, tax, fee, cess or rate made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation 1918 or any enactments or rules thereby

2 There is no suitable word for the word "permission" hence the change in two places

rules thereby repealed, shall so far as may be, be deemed to have been made, issued, ordered, entered into or instituted under this Regulation;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such restrictions and conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation.

reported, issued, ordered, entered into or instituted under this Regulation;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation provided that any funds set apart for a specific purpose by the aforesaid Boards, shall not be diverted for any other purpose, without the consent of the District Board thus constituted.

"Restrictions" is not ~~and~~ wide. ~~there ought to be no restrictions on the Board. Further~~ the word "conditions" is comprehensive and includes restrictions also. It is desirable to fetter the discretion of Government as proposed in the addition.

The concerning clause will ensure that it is only when Government and the newly constituted Board both agree that funds set apart for one object could be diverted for a different object

~~Interpretation~~ 3. In this Regulation—

(1) "District" means any local area, which for the purposes of collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the official gazette, from time to time declare to be a District or to be included in or to form part of a District.

Interpretation. 3. In this Regulation—

(1) "District" means any local area, which for the purposes of the collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the Official Gazette, from time to time, declare to be a District.

The words struck out are unnecessary in view of the power given to Government to declare any area as a District for the purposes of this Regulation

~~Establishment and incorporation of District Boards.~~

(4) As soon as may be, after the commencement of this Regulation, the Government of His Highness the Maharaja shall with effect from such date as it may appoint establish by notification in the Official Gazette, for each District, a District Board having authority over the entire District provided that such portions of the District as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, shall be excluded from the jurisdiction of the District Board.

Establishment and incorporation of District Boards.

(4) (1) As soon as may be, after the commencement of this Regulation and with effect from such date as it may appoint the Government of His Highness the Maharaja shall establish by notification in the Official Gazette, for each District, a District Board having authority over the entire District provided that such portions of the District as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation 1906 shall be excluded from the jurisdiction of the District Board.

Calls for no remark, as it is a mere transposition of a phrase, which had come in between the auxiliary and principal verb, to its proper place.

7. The elected members of District Boards shall be elected by general and special constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf

7 The elected members of District Boards shall be elected by general and special constituencies and the description their number and extent of such constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of Government notified in this behalf

There was no indication as to what should constitute general and special constituencies. Description of these is also included in the scope of the rules.

8 (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his District of the persons qualified to vote in such constituency at elections of members of the District Board.

Deputy commissioner to keep lists of voters

8 (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his District of the persons qualified to vote in such constituency at elections of members to the District Board

Calls for no remarks.

S

Every person who is not ... is not ... to ... disqualification ... section ... any other provision of this ... section or the rules thereunder shall be entitled to have his name entered in the list for a constituency prescribed under Section 7, qualifying him to vote at elections of members of District Boards in such constituency, if he

x x x x

10. No person may vote who-
(a) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

General disqualification of voters.

What p... voters ... tions.

not ... any ... tion ... in ... any other ... gulation or the rule, ... shall be entitled to ... name entered in the list ... for a constituency prescribed under Section 7, qualifying him to vote at elections of members to District Boards in such constituency, if he

x x x x

~~10. No person may vote who~~
~~(a) has ... sentenced ... to~~
Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term of or exceeding two years, or to transportation, such sentence not having been subsequently reversed ... or

10. No person may vote who —
(a) has been convicted by a criminal court for an offence punishable with imprisonment for a term exceeding six months or transportation, such sentence not having been subsequently reversed or quashed;

This is to curtail the number of cases which would disqualify persons. There are cases where the sentence inflicted does not accord the period of punishment awardable for an offence should ordinarily decide disqualification and matters would be examined in the case of less heinous offences by the proviso to the clause.

(b) is a person against whom an order has been passed under Section 180 of the Code of Criminal Procedure, 1904, in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed, or

(b) is a person against whom an order has been passed under Section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed; or

The figure 180 is incorrect. It should be 118.

(c) has been dismissed from Municipal, District Board or Government Service, or

(c) has been dismissed from Municipal, District Board or Government Service and debarred from being entertained in such Service, or

Disqualification should be confined to cases when in addition to dismissal a person is debarred from being re-entertained.

× × ×

Provided that —

the disqualifications in clauses (a), (b), (c) (d) and (e) will cease to operate after expiry of ten years from the date of such sentence, order, dismissal, withdrawal, or removal — earlier by an order of Government.

Provided that —

(i) the disqualification in clause (a) will cease to operate after expiry of three years from the expiry of the sentence or earlier by an order of Government and that in clause (b) after expiry of the period during which the person is ordered to furnish security; and

(ii) the disqualifications in clauses (c), (d) and (e) will cease to operate after expiry of ten years from the date of such dismissal, withdrawal or removal, or earlier by an order of Government.

The period during which disqualification under (a) will subsist is fixed to three years and that in (b) to the period during which security is ordered to be furnished. As offences punishable with more than six months imprisonment include both felonies and misdemeanours the term of three years is not long enough. It is therefore suggested that the disqualification should operate for not less than three years is not long enough. As regards (c) and (d) and (e) the existing provision may remain, including power of Government to remove

... Any person whose name is entered ... a list prepared under Section 8 ... such constituency and who is not ... elected, or

... salaried officer or servant of ... the District Board or the Government, and

who has not directly or indirectly by himself or his partner any share or interest in any work done by order of ... District Board or in any contract or employment with or under or by or on behalf of District Board,

may be a candidate at any election in such constituency;

Provided that—

(1) no person shall be disqualified by reason only of such person

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or

Qualifications necessary for election to ... Board.

11. Any person whose name is entered in the list prepared under ... for a constituency and who is not ... salaried officer or servant of the District Board or the Government, and any person who has not directly or indirectly, by himself or his partner any share or interest in any work done by order of the District Board or in any contract or employment with or under or by or on behalf of the District Board, may be a candidate at any election in such constituency;

Provided that

(1) no person shall be disqualified by reason only of such person

(a) having a share in any joint stock company or a share or interest in any literary Association or in any society registered or deemed to be registered under the Mysore Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board or registered under the Societies Registration Regulation, 1904

The word "person" governs all of the ... and hence the ... proposed made, viz., omission of "or" in the first para ... tion ... "person" in the second para

It is proposed to include Literary Associations also are also incorporated.

Vacation of seats and re-eligibility of members.

12. (1) If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office for ... as the person in whose place he is elected or appointed would ... if no such disqualification ...

12(1). If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this Regulation his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office for ... as the person in whose place he is elected or appointed would ... if ...

The word "section" should be replaced by "Regulation"

The portion ~~to leave out~~ omitted is unnecessary

{ together with a deposit of fifty rupees as security for costs }

to vest the [illegible] section, may apply to the District [illegible] of the district [illegible] determination of [illegible]

In furtherance of the same object and to secure payment of the expenses of the opposite side, deposit of Rs 50/- as security for costs, is also provided for; other Regulations have a similar provision.

~~Change in clause~~

14 [illegible] inquiry shall thereupon be [illegible] Dist[illegible] under who may, after [illegible] order [illegible] the [illegible] Section [illegible] of the [illegible] by [illegible] powers of a [illegible] award costs in such manner [illegible] fit and such costs shall [illegible] as if they had been awarded [illegible] under the Code of Civil Proc[illegible] his decision shall be conclusive [illegible]

~~clause~~ ~~Section~~

14 [illegible] shall thereupon be held [illegible] the District [illegible] such inquiry [illegible] necessary, [illegible] confirming, [illegible] pending the decision [illegible] the order of the Deputy [illegible] or other [illegible] empowered in that behalf under Section 10 [illegible] the election, and [illegible] the purpose [illegible] by, the said [illegible] may exercise [illegible] of a Civil Court. He may also [illegible] manner as he may deem fit and [illegible] the recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. [illegible] an election petition shall forthwith [illegible] the fact to the District Magistrate [illegible] holding [illegible]

(11

Section 14, Sub Section (14)-Explanation.	Section 14, Sub Section (4)-Explanation.	
Explanation - The expression "a promise of individual profit," includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before a District Board for consideration.	Explanation.- The expression "a promise of individual profit," includes, for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.	"a" is proposed to be replaced by "the" to define the particular District Board, in respect of which a corrupt practice is committed.
Section 14-Sub Section (6)-Proviso.	Section 14- Sub section (6)-Proviso.	
Provided that such person may, by an order of the Government in that behalf, be at any time relieved from such disqualification.	Provided that such person may at any time be relieved from such disqualification by an order of the Government in that behalf.	A mere transposition of some words calls for no remarks.
15. Any person who has been disqualified from being a member under the last, preceding section, shall, for the period for which the disqualification is to last, be disqualified from voting at any election to a District Board.	15. Any person who has been disqualified for any period from being a member under the last preceding section, shall also be disqualified from voting at any election to a District Board for the same period.	Slightly recast without affecting the sense. Calls for no remarks.
16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the ex-officio members, if any,	16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the ex-officio members, if any,	The words 'as conveniently as may be' are omitted as unnecessary.
appointed thereto, shall be published as soon as conveniently may be, in the official Gazette.	appointed thereto shall be published in the official Gazette.	

2

clause is omitted,

[redacted]

clauses [redacted] (f)

and

can

clause and as

during casual vacancies without a notification, the latter officer can not preside.

that when an officer is resigned by virtue of his office and another officer takes charge of the office

17

~~Section 18 - Subsection (3)~~

Presidents and Vice-Presidents to reside at District Head-quarters.	18 (3) Every President other than an ex-officio President and every Vice President of a District Board shall reside at the District Head Quarters of the District for which the Board has been established.	Omitted	It is necessary to remove this restriction, as it will come in the way of the appointment or election of suitable and desirable candidates who live within easy dustance of Head-quarters and can attend to the work and there is no provision to remove a President, if he neglects his work.
Functions of Presidents.	19. The President of a District Board.	Functions of Presidents.	19. The President of a District Board shall
x x x x x		x x x x	
	(d) furnish to the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the ~~meetings~~ proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 & 93.		(d) furnish to the Government through the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93.
			Recast so as to conform to the present practice.

16

6. The President of the District Board may in cases of emergency direct the execution

x x x x

20 (1) Any powers or duties or executive functions which may be exercised or performed by or on behalf of the District Board may be delegated in accordance with rules to be made by the Government in this behalf, to the President or to the Vice-President or to the chairman of the Standing, ~~Committee~~ Economic, Public Health or other committee or to one or more stipendiary or honorary officers, but without prejudice to any powers that may be exercised or may have been conferred on a chief officer under section 87 or any committee by or under sections 31, 32, 33 and 34, and every person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

Powers, duties and functions may be delegated to officers whose expenses may be paid

Provision is made for the delegation of the powers that may be exercised or the duties that may be performed by the District Board to the President or the Vice-President or other officer or officers and such officers have to be paid the ~~expenses~~ necessarily incurred by them

(2) The President of the District Board may in cases of emergency direct the execution x x x x

Emergency powers of President

This is the existing clause re-numbered as sub clause (2)

15

Disqualification of Member after election.

26. (1) Any Member of a District Board who, during the term for which he has been elected or appointed,

Disqualification of Member after election.

26. (1) Any Member of a District Board, who during the term for which he has been elected or appointed,

x x x x x x x x x x

(c) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant.

(c) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself from three consecutive meetings of the Board shall cease to be a member and his office shall become vacant.

desirable

The Board ordinarily meets once in three months. It is better to fix his absence with reference to meetings held. Three meetings is the limit fixed in the Municipal Regulation & is proposed to be adopted here also.

~~tion 27 - Subsection (2)~~

28 (2) In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies - how to be filled up.

~~Section 28 - Subsection (2)~~

28 (2) In the event of a vacancy occurring on account of death, ~~casual vacancies~~ resignation, disqualification or removal of a member of a District Board ~~how to be filled up.~~ previous to the expiry of the term of office, the vacancy shall be filled up by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

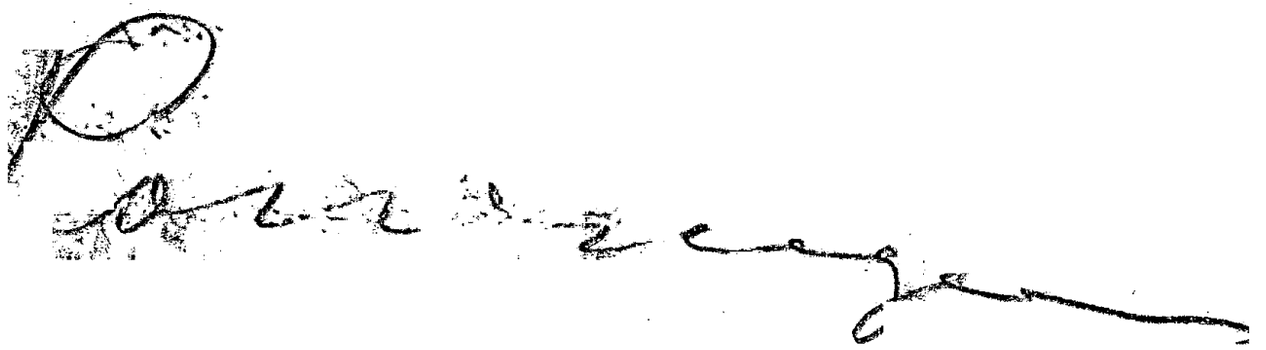
The words " as soon as conveniently may be are ~~proposed to be~~ omitted, as unnecessary

46

28(4) Notwithstanding anything contained in sub sections (2) and (3) it will be open to a District Board to direct that a vacancy be left unfilled until the next ordinary election if the term of office of that vacancy would in the ordinary course of events have determined within six months of the occurrence of such vacancy.

17

This is necessary in order to save the time and labour involved in an election when the period is very short.



~~Section 29 - Subsection (2) Clause (a)~~

29 (2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the dates of the subsequent quarterly meetings shall be fixed at the previous meeting of the Board; but the President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. When the President and Vice-President or unable or fail for any reason to call a meeting, the Deputy Commissioner may exercise the powers of a President for that purpose.

~~Section 29 - Subsection (2) clause (a)~~

29 (2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the date of each subsequent quarterly meeting shall be fixed at the previous meeting of the Board provided that the President may for sufficient reasons alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which a meeting is proposed to be called. When the President or in his absence the Vice-President, is unable or fails for any reason to call a meeting, the Deputy Commissioner may exercise the powers of a President for that purpose.

The clasue is recast to allow the President to alter the date of a meeting to a subsequent date. In practice, this is done, but there is no provision for it. It is also provided that whenever a special meeting is wanted, the objects for which the meeting is to be called should be specified.

29(2)(b) ~~- DO - Clause (b)~~

~~(b)~~ Twenty-one clear days' notice of a quarterly meeting and fourteen clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting, any motion or proposition mentioned in any written request made for such meeting.

29(2)(b) ~~- DO - Clause (b)~~

~~(b)~~ Fourteen clear days' notice of a quarterly meeting and ten clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

Ten days for an ordinary six days for a special one is the period now requir while this is too short, the pe period of 21 and 14 days too long. ~~The~~ Hence change.

"Circulated" would necessitate the same paper being sent to each member, which would mean undue delay. It is ~~proposed to be~~ changed to " sent "

~~29 clause (c)~~

29(2) (c) If less than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the District Board office and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there is a ~~press~~ quorum present or not.

~~clause (c)~~

79(2) (c) one-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If at the time appointed for the meeting or within half an hour thereafter a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may reasonably fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not, provided that not less than five members are present.

It is ~~proposed to make it~~ made clear that the President may adjourn a meeting if no quorum is present at the time appointed for the meeting or within half an hour thereafter. The provision in the Bill is vague on this point. The quorum is also fixed. For an adjourned meeting no quorum is necessary, but ~~it is proposed to fix~~ the minimum number to transact business is fixed at 5 to prevent only two or three members disposing of what may be important matters.

29(2)(f). All questions shall x x x x x x be decided by a majority of votes of the members present,

29(2)(f). All questions shall x x x x x x be decided by a majority of votes of the members present x x x x

Some of the members present may not choose to vote. Hence, it is necessary to use the words "and voting".

~~do clause (h)~~

29 (2) (h) If the presiding authority is believed by the members present at the meeting ~~to~~ have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

~~- Do - clause (h)~~

29(2) (h) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Board may be chosen or elected to preside at the meeting during the continuance of such discussion.

The clause is ~~proposed to be~~ recast so as to permit any member present to take objection to the presiding authority on the ground of pecuniary interest in the matter under discussion. The presiding authority need not absent himself, though he cannot take part in the discussion or vote or preside. Provision is also ~~proposed to be~~ made to choose somebody else to preside, as ~~clause~~ para (e) of the ~~Section~~ sub-clause does not provide for all cases that may arise, e.g. where objection is taken to a Chairman who is selected under ~~clause~~ para (e) in the absence of the President and Vice-President.

~~Do clause (k)~~

29(2) (k) No resolution of a District Board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one half of the whole number of members and passed at a quarterly or special meeting, whereof notice shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or ~~saixx~~ cancellation of such resolution.

~~Section 29 sub-section (4)~~

29 (4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Deputy Commissioner, who shall submit the same to the Government with his remarks, if ~~any~~, and the Government may pass such orders as it may think proper.

~~Section 30 sub-section (2)~~

30 (2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board and the Government in this behalf

~~Do clause (k)~~

29(2) (k) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution ~~supported by not less than one half of the whole number of members and~~ passed at a quarterly or special meeting, notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

~~Section 29 sub-section (4)~~

29 (4) A copy of every resolution passed by a District Board at a meeting, shall, within ten days from the day of the meeting, be forwarded to Government through the Deputy Commissioner and the Government may pass such orders thereon as it may think proper.

~~Section 30 sub-section (2)~~

30 (2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board.

by not less than one half of the whole number of members

A District Board meets once in three months ordinarily. As the clause stands in the Bill, a resolution at one meeting can be cancelled at the very next meeting, which is not desirable. The period is ~~therefore proposed to be~~ raised to six months. The other change is intended to remove any possibility of doubt and it clear that a resolution of the Board can be cancelled by a subsequent resolution only when it is passed by not less than half the number of members

~~Vide reason assigned for the change in clause (d) of Sec. 19.~~ Recast so as to conform to the present practice

The last six words are struck out as unnecessary, in view of the fact that the rules made by the Board should not be inconsistent (~~Sec.~~ 29(1)) with those made by Government under ~~Section~~ clause 99

~~Section 31 - Sub-section (1)~~

Standing Committee. 31. (1) Every District Board shall appoint a Standing Committee consisting of such number of members not being more than seven and not less than five as the Board may determine.

~~Section 31 Sub-section (1)~~

Standing Committee. 31. (1) Every District Board shall appoint a Standing Committee consisting of the President, the Vice-President, if any, and other members of the Board. The total number of members of such Standing Committee shall not be more than seven and not less than five as the Board may determine.

The presence of the President and the Vice-President, if any, appears to be desirable, if not necessary, on the Standing Committee; and the number including them should not exceed seven. Hence the change.

~~Section 31 - sub-section (3)~~

31. (3) The President of the District Board shall be ex-officio member and Chairman of the Standing Committee in addition to the members appointed under sub-section (1).

~~Section 31. Sub-section (3)~~

31. (3) The President of the District Board and in his absence the Vice-President, shall be ex-officio Chairman of the Standing Committee.

This is to provide for the Vice President ~~x~~ stepping into the place of the President during his absence.

~~Section 32 - Sub-section (2)~~

32 (2) It shall be lawful to the District Board to appoint as a member of the said Committee any person of either sex who is not a member of the Board, but who may, in the opinion of the Board, possess special qualifications for serving on the Committee.

~~Section 32 - sub-section (3)~~

32 (3) It shall also be lawful for the District Board to appoint temporarily additional members of either sex, whenever necessary for the consideration of any particular subject or subjects.

~~Section 32 - sub-section (2)~~

32 (2) It shall be lawful for the District Board to appoint as members of the said Committee any persons of either sex who are not members of the Board but who may, in the opinion of the Board, possess special qualifications for serving on the committee. Such persons may be appointed to the said committee either during the term of the said Board or temporarily for the consideration of a particular subject or subjects.

clauses (27)

There is no apparent difference between sub-~~sections~~ (2) and (3) unless it be regarding their term. The two are ~~proposed to be~~ combined into a single sub-section, bringing out also the nature of their appointment.

~~Section 33 - Sub-section (1)~~

33. (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. The said members may co-opt the District Medical Officer of the District or any ~~ex~~ Medical or Sanitary officer of Government or a legally-qualified Medical Practitioner to be a member of the Committee for a period not exceeding the term of their own office.

Public Health Committee.

~~Section 33 - sub-section (1).~~

33 (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. The District Board may co-opt, for a term not exceeding the term of office of the said Board, either the District Medical Officer of the District or any Medical or Sanitary officer of the Government or a legally qualified Medical Practitioner to be a member or members of the said Committee.

Public Health Committee.

Slightly recast, without altering the sense, but to provide for more than one of such officers being co-opted.

35. The Principal Sanitary officer and the principal Medical officer of the District, the Senior Surgeon and Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be ~~entitled~~ entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever called upon to do so.

Certain Government officers entitled to attend and speak and District Boards may require officers to furnish advice.

Certain Government officers entitled to attend and speak and District Boards may require officers to furnish advice.

35. The principal Sanitary Officer and principal Medical Officer of the District, the Senior Surgeon, the Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture the Director and Assistant Director of Industries, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their ~~xf~~ advice in such matters whenever called upon to do so.

Director and Assistant Director of Industries are ~~proposed to be~~ added to the list, as the District Board may sometimes deal with matters connected with that Department.

Acts of Boards, etc. not to be invalidated.

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such mere informality.

Acts of Boards, etc. not to be invalidated.

41. No act of a District Board or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman shall be deemed to invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee or for any other such informality.

The word "mere" is ~~proposed to be~~ struck out as unnecessary.

Works constructed by District Boards to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Works constructed by District Board to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in the Board by which it has been constructed.

Provided that such portion of a District Board road, as may lie within the area of a Municipality shall vest in the Municipal Council of such Municipality.

The proviso is ~~proposed to be~~ added in order to avoid a conflict with Section 50 of the Municipal Regulation which vests all roads within the limits of a Municipality in the Municipal Council.

L.S.

45. (1) Every District Board, shall, so faras the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the follow -ing matters within the area subject to its authority:-

Duties of the District Board.

~~(1) encouragement and development of Co-operative societies:~~

(a) construction, repair and maintenance of public roads and other means of communication;

(b) planting and preservation of trees on the sides of roads and on other public ground;

Duties of the District Board.

45. (1) Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of and be responsible for the following matters within the area subject to its authority:-

(a) construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of government;

(b) planting and preservation of trees on the sides of roads and on other public ground in its control;

(6)

In the area under the control of the District Board, there may be roads etc which are under the control and management of government or other local bodies. The District Board is not responsible for such roads etc.

It is only in respect of roads and public grounds under its control that a District Board can be called upon to plant and preserve trees.

(d) construction and repair of public wells, tanks and water works, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes;

(e) × × × ×

(f) sanitary works and measures necessary for the public health including sanitation during jatras or fairs and festivals;

× ×

(i) encouragement and development of co-operative societies

(d) construction and repair of public wells, tanks and water works which serve more than one Village Panchayats, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes;

(e) × × × ×

(f) measures necessary for the public health, Sanitation and other local Services affecting villages under different Panchayats and control of and Sanitation during Jatras or fairs and festivals;.

× × × ×

(d) & (f)
Upkeep of wells, tanks etc. ... in ... different Panchayats and carrying out of measures and Services affecting Such villages Shall fall within the Scope of the duties of District Boards.

this is transferred to discretionary duties under Sub clause (2) of the clause

(j) payment of expenses of maintenance and treatment of persons undergoing anti-rabic treatment subject to the general or special orders of the Government;	(i) payment of travelling expenses of persons under-going anti-rabic treatment subject to the general or special orders of the Government;	~~nomic development.~~ The District Boards are now paying only the travelling allowance of persons who go for treatment. ~~The burden should not be increased and that rather indefinitely.~~ Hence the proposed change
o) any other works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public	(k) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public in the District.	Vide reasons given against (d) K(f) above.
(2) Any District Board may, at its discretion (a) (b) (c).	(2) Any District Board may, at its discretion in (a) x x x (b) x x x (c) x x x (d) encourage and develop Co-operative societies in the District	Vide reason given against (i) in sub clause (1) above.
Power of Government to resume property	48. It shall competent to the Government from time to time by notification to resume any property placed under the control of a District Board under Section 47 on such terms as the Government may determine.	Power of Government to resume property. 48. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under section 47 on such terms as the Government may determine after consultation with the Board.	~~The Board ought to be consulted in such cases and an addition is proposed -- accordingly.~~ Consent to be taken beforehand in such cases before action is taken.
Power to permit temporary occupation or use of roads or places vested in the Board.	51. The President of a District Board may, subject to the bye-laws made in this behalf, permit the temporary occupation or use of a road or land vested in the Board for the erection of pandals or use on the occasion of fairs and festivals, or for any	Power to permit temporary occupation of Board may permit the temporary occupation or use of any road or land vested in the Board, for the erection of pandals, or for any other lawful purpose.	Instead of ~~trying~~ to enumerating ~~rate~~ the purposes for which a road or land may be given, ~~it is proposed to substitute~~ the words "for any other lawful purpose" are substituted "Lawful" is more correct that "approved".

52. It shall be lawful for a District Board subject

Transposition of words. Calls for no remarks.

Control of unwieldy traffic. 52. Subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws to be framed by the District Board, it shall be lawful for a District Board to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle licensed by the Deputy Commissioner under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

Control of unwieldy traffic. ~~52. Subject~~ to such rules as may be prescribed by the Government in this behalf and to the bye-laws framed by the District Board, ~~it shall be lawful for a District Board~~ to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any other construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued ~~by the President~~ and in accordance with the rules framed ~~by Government~~ from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights, and assistants and other general precautions.

Persons besides the Deputy Commissioner may issue licenses for motor vehicles. Hence the ~~proposed~~ change.

54. (1) All markets, slaughter-houses and cart-stands constructed and maintained out of the District Funds shall be deemed to be public markets, public slaughter houses and public cart-stands respectively, and no public market shall be opened by a District Board without the previous sanction of Government.—

Markets slaughter houses and cart-stands.

(2) No private person shall continue to keep open a private market, slaughter-house or cart-stand lawfully established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (2) no person shall after the commencement of this Regulation, open or keep open a private market, slaughter-house or cart-stand.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market.

54. (1) All markets, slaughter houses and cart-stands constructed and maintained out of the District Funds shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market shall be opened by a District Board without the previous sanction of the Government.

Markets, slaughter houses & cart-stands.

(2) No person shall continue to keep open a market, slaughterhouse, public cart-stand or public ferry established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) Except as provided in sub-section (2), no person shall after the commencement of this Regulation, open or keep open a market, slaughterhouse, public cart-stand or public ferry.

(4) No person shall sell or expose for sale any article or animal in any unlicensed market.

Public ferries are also proposed to be included in this sub-section/clause.

So far as cart-stands and ferries go, there is no reason why they should be licensed, if they are kept for private use. When they are public and fees are charged, they should be licensed. ~~Charge is proposed accordingly~~. The word "private" is omitted in several places as it conveys no clear meaning.

Necessary changes have been made

30

56. (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board; but when a license is refused, the person aggrieved by his order shall have the right of appeal to the District Board whose decision shall be final.

Licenses: Licenses. 56 (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the President, any person aggrieved by his order shall have the right of appeal to the District Board.

The proper place for the suspension or cancellation of a license is in sub-section (1) and not sub-section (2); and the right of appeal should not be confined to cases where a license is refused, but should be given when a license is granted, suspended or cancelled. The sub-sections (1) and (2) are proposed to be recast accordingly.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed and it shall be lawful for the President to suspend a license granted for default of any of the conditions subject to which it was issued.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or during the suspension of a license, any place for any purpose for which a license is required under this Regulation shall be punished with fine which may extend to 50 rupees and with further fine which may extend to 10 rupees for every day on which such use is continued after the date of first conviction.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Regulation shall be punished on conviction by a Magistrate, with fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty five rupees for every day on which such act is continued after the date of conviction or any subsequent date as may be fixed by the Magistrate.

There may be cases where the fine inflicted may not act as a deterrent. The profits realised by continuing to use a place without a license may be more than the fine. Hence the limits of the fine are proposed to be increased to Rs.100 and Rs.25/-. The Magistrate is proposed to be given the discretion to allow some time to the party to discontinue using the place, in cases where it is not possible to stop the use at once

District Board's power to make bye-laws.

67. (1) The District Board may, from time with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force:-

(a) for the general or special regulation, inspection, control of musafirkhanas, travellers' bungalows, rest-houses, cartstands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used by or for animals which are for sale or for hire or the produce of which is sold, all the places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold as or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

District Board's power to make bye-laws.

67. (1) The District Board may, from time to time with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force:-

(a) for the general or special regulation, inspection, control of musafirkhanas travellers' bungalows, rest-houses, cartstands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule II, and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

to time and subject to such rules as may be prescribed by government in this behalf and

- such as notice, publication of bye-laws etc to be observed before framing bye-laws have not been indicated. This omission is rectified by giving power to government to frame rules in this behalf.

Verbal change calling for no remark.

~~clause (b) sub-clause (ii)~~

57(1)(c)(ii) for empowering the President or any other person authorised by him to enter, and inspect any building or land and to require that it shall be kept in a proper state [illegible];

~~Clause (b) sub clause (ii)~~

57(1)(c)(ii) for empowering the President or any person authorised by the Board to enter and inspect any building or land and to require that it shall be kept in a sanitary condition;

The Board should have power to authorise any person to enter and inspect, not the President. The other change is purely verbal.

~~Clause (c) sub-clause (iii)~~ 57(1)(c) ~~(iii)~~ for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting the use of such courses for any other purpose or purposes;	~~Clause (c) sub-clause (iii)~~ 57(1)(c)(iii) ~~(iii)~~ for setting apart, with the consent of the owner in the case of private sources of water-supply and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places and prohibiting their use for any other purpose or purposes;	Verbal change calling for no remarks.
57(1)(f) for regulating the use of public roads and the traffic thereon; and for securing cleanliness, safety and order in respect of the same;	57(1)(f) for regulating the use of public roads and the traffic thereon; for the temporary occupation or use of public roads and lands vested in the Board; and for securing cleanliness safety and order in respect of the same;	~~There is no power to make any occup~~ of roads and lands vested in the Board under Section 57. This is proposed to be rectified
57(1)(g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any licenses or permissions under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of licenses or permissions and the rents, fees and other charges to be levied for the use of any of the places specified in clause (c) or other property belonging to the District Board.	57(1)(g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any license or permission under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (c) or other property belonging to the District Board;	Verbal changes. Licenses are omitted as fees for licenses are already prescribed under Section 60. clause

57(1)(e) (i) [illegible]

57(1)(e)(ii) [illegible]

57(1)(e) (iii) [illegible]

57(1)(e) (iv) [illegible]

The Board should have the powers & not—the President

57(1)(e) (v) [illegible]

57(l)(e) [illegible] the circumstances that evidence of clothing [illegible] articles required to be [illegible] from infection thereto to be [illegible] or disinfected as have been defined by the Medical Board, and destroying such articles as may be likely to retain infection and paying compensation for articles so destroyed;

57(l)(e) (v) the circumstances in which articles of clothing or bedding to which established to infection from [illegible] and other diseases may be [illegible] or disinfected [illegible] by the Medical Board; and for [illegible] such articles as are likely to retain infection and paying compensation for articles so destroyed;

Vertical strokes.

57 (1) (h) for providing for--

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for ~~ayting~~ plying ferry boats, the conditions on or subject to which such permissions may be granted and the fees payable in respect of such permissions;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat at one trip ;

(iv) the safe, speedy and convenient carriage and landing p of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for rowing them;

(vi) the inspection of the ferries and the ferry boats;

(vii) otherwise for the due discharge of their duty by ferrymen and ferrymen and other persons employed at a public ferry;

Nil

Nil

57 (1) (h) for providing for--

(i) the establishment of public ferries and their management;

(ii) the issue of permissions for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat;

Verbal changes

(iv) the safe, speedy and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for rowing them;

(vi) the inspection of the ferries and the ferry boats; and

(vii) otherwise for the due discharge of their duty by ferrymen and ferrymen and other persons employed at a public ferry; and

57(1)(~~i~~ ~~h~~ ~~(i)~~) generally for carrying out the purposes of this regulation.

A general power to make bye-laws considered to necessary. Hence the addition.

57 (2) Any person infringing any bye laws made under this Regulation shall on conviction before a magistrate be punishable with fine not exceeding fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

This is another omission in clause 57 which is rectified otherwise bye-laws may be infringed with impunity

60. (c) compound any ~~offence~~ offence against this Regulation or against any bye-law made thereunder.

60(1)(c) Compund any off
this Regulation or a
thereunder which un
for the time being
lawfully be compoun

60(2) Sums [illegible]

(36

District Board may prosecute

58. A District Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund.

x x

58. A District Board or any Officer or committee of the Board authorised by the Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalty and for the punishment of any persons offending against the provision of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund.

x x x x

~~It is proposed to authorise~~ Any Officer or Committee empowered by the Board to order prosecution. It will be inconvenient in practice otherwise.

Section 62 Sub Section (2)

62 (2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may from ti e to time approve in this behalf and vary such investment with like sanction or dispose of such securities with the like sanction.

62 (2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time approve in this behalf and vary such investment or dispose of such securities with the like sanction.

The words "with like sanction" are ~~proposed to be~~ omitted as ~~are~~ roundent.

District Fund where to be expended.

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation be made with the area subject to its authority only, but may, with the sanction of Government be made outside thatarea of any of the purposes mentioned in this Regulation.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges:-

(a) for audit of accounts of the District Boards;

(b) for maintenance and treatment of persons under-going anti-rabic treatment at rates approved by the Government;

(c) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government.

66 (4) Exemptions from payment of tolls shall be regulated by the rules to be prescribed by the Government in this beh lf.

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation be made with the area subject to its authority only, but may, with the sanction of Government be made outside that area of any of the purposes mentioned in this Regulation.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges:-

(a) for audit of accounts of the District Boards;

(b) for the payment of travelling allowances of persons under going anti-rabic treatment at rates approved by the Government;

(c) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government in confirmity with the provisions of this Regulation.

66(4) Exemptions from payment of tolls shall be regulated by the rules prescribed by the Government in this behalf.

Districts Boards pay only the T.A. now and here ~~It is not desirable to burden them with more expenses on this account.~~

The last eight words are ~~proposed to be~~ added to safeguard the interests of the Boards. Expenses which are not contemplated by the Regulation may otherwise fall on them.

No remarks.

Exemption from payment of toll a second time within 24 hours should be confined to the District in which the first payment was made.

~~Section 66 Sub Section (5)~~ in the District

66(5) No more than one payment of toll shall be demanded at any toll gate, station or bridge in respect of any carts, carriages vehicles or animals in any one period of 24 hours counted from sunrise provided that when toll has been paid at all toll gate, station or bridge in respect of any carts, carriages vehicles or animals not laden or unridden the difference between such tolls and the tolls payable in respect of such carts, carriages vehicles or animals again pass through such toll gate station or bridge, laden or ridden within such period.

66(5) No more than one payment of toll shall be demanded at any toll gate, station, or bridge, in respect of any carts, carriages, vehicles or animals in any one period of 24 hours counted from sunrise provided that when toll has been paid at any toll gate, station or bridge in respect of any carts, carriages, vehicles or animals not laden or ridden the difference between such tolls and the tolls payable in respect of such carts, carriages vehicles or animals, laden or ridden shall be payable, if such carts, carriages, vehicles or animals again pass through such toll gate, station or bridge laden or ridden within such period.

"unridden" is wrong. It should be "ridden"

~~Section 66 Sub Section (8)~~

66(8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road, or bridge, or whoever duly authorised to collect tolls, demands more than the rates authorised shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 200/- or to simple or rigorous imprisonment not exceeding six calendar months.

66(8) Whoever not being duly authorised to collect tolls levies or demands any toll on any public road, or bridge or whoever duly authorised to collect tolls, demands or levies more than the rates authorised shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 300/- or to simple or rigorous imprisonment not exceeding six months.

The insertion of ~~Insertion of~~ the word "levies" after demands ~~appear to be~~ necessary to cover all cases. "Months" means "Calendar months" as defined in the General clauses Regulation. Hence the word "Calendar" is ~~to be~~ omitted.

~~Section 66 and Section 67~~

66 (1) In the case of the non-payment of any toll on demand, the person duly authorised to collect the same may seize any of the carts carriages vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

66(1) If a person refuses to pay any toll on demand and passes through a toll gate or station, the person duly authorised to collect the same may seize any of the carts carriages vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

By the change it is made ~~the charge to proceed to make it~~ clear that it is only after a person passes through a toll gate etc., that his goods etc., can be seized and not merely on his refusing to pay.

Power of District Board to levy Railway Cess.

60. The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a railway cess not exceeding six annas pies in the rupee on all items of revenue on which local cess is levied to be utilised solely in the construction of tramways and railways.

60. The District Board may levy with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levies to be utilised solely in the construction of tramways and railways or for guaranteeing the payment of interest on capital expended on any railway, tramway or other works which may directly improve the means of communications within the District or between the District and other Districts.

The condition proposed is necessary. The District Board may not be in a position to take up the work itself In such cases it may guarantee out of the cess the interest on capital to Government or any Company offering to construct a line.

~~Rents and Fees~~

70. Subject to the bye-laws made in this behalf, a District Board may charge fees for permission issued under this Regulation and levy ~~of~~ rents and fees for the occupation or use of any road land or other property placed under its control or vested in it or maintained out of the District Fund.

Rents and Fees.

70. Subject to the bye-laws made in this behalf a District Board may charge fees for any permission issued under this Regulation and levy ~~of~~ rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

No remarks.

~~Agency for collection.~~

71. The local cess, the railway cess and the education Cess shall be adjusted or collected by the Departmental Government Officers or establishments concerned along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government provided it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided under Cjapter VII.

Agency for Collection

~~70~~. 71. The local cess, the railway cess and the ducation Cess shall be collected by the Departmental Government Officers or establishments concerned along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of Government provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided under Chapter VII.

Sh was "adjusted" is not ~~adjusted~~ "adjusted" not necessary. It may be omitted.

District Boards may raise loans and may form a sinking fund.

72. It shall be lawful for a District Board with the previous sanction of Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a Railway or Tramway or for the execution of any approved work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans.	72. It shall be lawful for a District Board with the previous sanction of Goverment and subject to the conditions imposed by it, from time to time, to raise loans for constructing a Railway or Tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans.	As sanction of Government is obtained previously for any work, the use of the word "approved" in connection with the work to be undertaken is not necessary.

Grant of loans to encourage local arts and industries.

73. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and to recover the same in the manner provided in Chapter VII.	73. Subject to the rules that may be made by the Government from time to time a District Board may grant loans from the District Fund to encourage local arts and industries and to recover the same in the manner provided in Chapter VII.	No remarks.

Contributions to expenditure incurred by the Government of other local authorities and power to make grants-in-aid.

74. (1) Subject to the previous sanction to the Goverment a District Board may make grants-in-aid to any medical institution or school within or without the area under its authority whether it be under public or private management.	74. (1) Subject to the previous sanction of the Government a District Board may make grants-in-aid to any medical, educational or charitable institutions of public utility, within or without the area under its authority whether it be under pubic or private management. ~~or any other institution~~ ; or any other institution	~~It is proposed to include~~ Charitable institutions and other institutions of public utility are also ~~in the Section.~~

74. (2) The Government may require a District Board to contributo towards the expenditure incurred by it or any other District Board, Municipal Council or Village Panchayat, for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the - authority of such District Board.

74. (2) The Goverment may require a District Board to contribute towards the expenditure incurred by it for any of the purposes authorised by or under the provisions of this Regulation if such expenditure is such as to benefit the inhabitants of the area under the authority of such District Board.

As the expenditure is incurred under the orders of government, it is unnecessary to mention the various agents that may be employed for incurring the expenditure or carrying out the work.

While Government may employ the agency of another District Board etc., it has to take full responsibility before enforcing this section and hence mention of the agency is unnecessary.

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75. When a District Board has entered into any arrangement or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors with the sanction of Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least six months' notice of its intention so to do to the managerx xfxxxx or managers of such institution.

Arrangements purporting to be binding permanently or for a term of years.

75. When a District Board has entered into any arrangement or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors with the sanction of Government, to cancel such arrangement or promise or to discontinue or to diminish such contribution, provided that it shall have given at least one years' xxxxxxxxxx' notice of its intention so to do to the manager or managers of such institution.

Arrangements purporting to be binding permanently or for a term of years.

The period of notic is proposed to be raised to one year so that the institution, which may have committed itself to expenditure in expectation of the continuance of the grant from -- the District Board may have sufficient ~~time to adjust matters.~~ time to readjust its finances.

~~Section 76 - Sub-Section (3).~~

76(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to the Deputy - Commissioner, who shall submit the same to the Government with his remarks, if any, and it shall be competent to the Government to -- sanction the estimate with such - modification, if any, as it deems fit.	76(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to -- Government through the Deputy Commissioner who shall forward a copy of his remarks, if any, to the District Board and it shall be competent to the -- Government to sanction the estimate with such modification, if any, as it deems fit.	This is in consonance with the changes ~~proposed~~ before. ~~It is also proposed that a~~ A copy of ~~his~~ remarks should be sent to the Board, in order that the Board may answer any points raised by the Deputy Commissioner, before final orders are -- passed by Government.

~~No Proviso.~~

Provided that the District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.	(4) The District Board may sanction transfer of funds from one major or minor head in the budget to any major or minor head by a re-appropriation of an allotment sanctioned in the budget.	This is not a proviso. It is ~~proposed to treat it as a sub-section.~~ made a sub clause
N i l	(5) No expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more suplemental estimates.	The ~~proposed~~ addition is obviously necessary.

ANNUAL ACCOUNTS AND AUDIT.)

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government from time to time prescribes, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government from time to time appoints in this behalf.	77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government may from time to time prescribe, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government may from time to time appoint in this behalf.	Verbal changes calling for no remarks.

SUBMISSION OF ABSTRACT OF ACCOUNTS TO THE GOVERNMENT.)

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and the balance, if any, of the fund remaining unspent, shall be prepared by the District Board and submitted to the Government.	79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work and its assets and liabilities shall be prepared by the District Board and submitted to the Governmen	The change is intended to include the assets and liabilities of the Board, in the abstract to be sent up to Government.

NOTICE OF DEMAND FOR FEE, CESS OR OTHER DUES.

80. (1) When any sum not being a toll payable on demand-

x x x x

(b) which is claimable as a fee, cess or other due under this Regulation or any rule or bye-law thereunder, shall have become due and remain unpaid ten days after the same is due, the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum, a notice in writing in a form to be prescribed by the rules framed in this behalf.

80. (1) When any sum not being a toll payable on demand-

x x x x

(b) which is claimable as a fee, cess or other due under this Regulation or any rule or bye-law thereunder, shall have become payable and remain unpaid ten days after the same is due, the President of the District Board or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum, a notice in writing in a form to be prescribed by the rules framed in this behalf.

'payable' is a better word than 'due' in this clause, because of the use of the word 'due' ~~in the first line.~~ in the clause.

INVENTORY SALE.

82. The President or other person duly authorised as aforesaid shall make an inventory of the property distrained and if the amount due is not paid within fifteen days after distraint, the property may be sold.

82. The President or other person duly authorised as aforesaid shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

There should be provision for a copy of the list of properties distrained being given to the party or his agent, to prevent risk of fraud etc.,. There is such a provision in the Code of Criminal Procedure.

~~Nil.~~

Claims to distrained property how to be disposed of.

84(5) If any claim shall be set up by a third person to movable property distrained under the provisions of this chapter, the President shall admit or reject ~~his~~ claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purhaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Provided that nothing in this Sub-Section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction

~~It is proposed to insert a~~ provision for the entertainment of claims against properties distrained, on the anqlogy of Section 192 of the Land Revenue Code.

The party's right of suit in a Civil Court is not to be -- affected.

~~DISTRICT BOARD MAY APPOINT CHIEF OFFICER, HEALTH OFFICER AND ENGINEER.~~

~~82.~~ (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer and a Health Officer and an -- Engineering or any one or more of such Officers or appoint one person, whether temporarily, or permanently, to discharge the duties of any two or of all such ~~O~~ficers and pay such salaries to them as the Government having regard to the financial condition of the District Board may direct.

87. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer, a Health Officer and an Engineer or any one or more of such officers, or appoint one person, whether temporarily, or permanently, to discharge the duties of any two or of all such ~~O~~ficers and pay such salaries to him or them as the Government having regard to the financial condition of the District Board may direct.

Verbal changes calling for no remarks.

2) No such officer shall be removable from office except with the previous sanction of the Government.	(2) Subject to such rules, if any, as may be framed by the Government from time to time, all such officers of the District Board shall be subordinate to the -- District Board. No such officer shall be removable from office except with the previous sanction of the Government.	It is ~~proposed to make it~~ clear that Officers appointed under ~~Sub-Section~~ (1) are subordinate to the District Board.
(5) The Chief Officer may, with the permission ~~fm~~ of the President, or in virtue of a resolution passed in this behalf at ~~xxxxxx~~ any meeting of the District Board or of any Committee make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at such meeting.	(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or move any proposition at such meeting.	Calls for no remarks.
~~GOVERNMENT'S POWER TO AMEND PROCEEDINGS OF DISTRICT BOARDS.~~ Government's power to amend proceedings of District Boards		
90. The Government may, by order in writing amend any proceedings or resolution of a District Board which it considers to be wrong or not in conformity with law and the rules or bye-laws in force -- thereunder and may do all things necessary to secure such conformity.	90. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be not in conformity with the provisions of this Regulation and the rules or bye-laws in force thereunder and may do all things necessary to ~~scure~~ such conformity.	~~It is proposed to omit~~ the words "wrong or" as the rest of the sentence is clear enough.

INSPECTION OF OFFICES ~~OF DISTRICT BOARDS~~ of District Boards.

91. The Deputy Commissioner of a District shall have power-

(a) to inspect the office of any District Board.

(b) to call for records of any District Board either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law.

91. Subject to such rules as the Government may frame from time to time in this behalf the Deputy Commissioner of a District shall have power -

(a) to inspect the office of the District Board or Boards in the District.

(b) to call for records of the District Board or Boards in the District either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the -- Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceedings of the District Board or its executive is wrong or contrary to law.

~~It is proposed that~~ Government should frame suitable rules for -- inspection by Deputy Commissioners and it is made clear that a Deputy Commissioner has power to inspect only the -- Board or Boards in his - District.

Deputy Commissioner's power of supervision.	92. (1) The Deputy Commissioner of District shall have power to supervise the proceedings of the District Board on the several Committees in the District, and in the exercise of that power may (among other things)--	Deputy Commissioner's power of supervision 92. (1) The Deputy Commissioner of the District shall have power to supervise the proceedings of the District Board and of the the several Committees in the District, and in the exercise of that power may (among other things)--
	x x x x	x x x x
	(b) call for and inspect any document which may be, for the purposes of this Regulation, in the possession, or under the control, of the District Board or a Committee; and	(b) call for and inspect for the purposes of this regulation, any document which may be in the possession, or under the control, of the District Board or a committee; and
	x x x x x	x x
		Verbal changes calling for no remarks.
		Recast so as to restrict the power of the Deputy Commissioner to call for documents only when they are to be inspected for the purpose of this Regulation.

~~ection 93 - Sub Section (2).~~	~~Section 93 - Sub Section (2).~~
93(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government to rescind the order, or to direct that it continue to force, with or without modification permanently or for such period as it thinks fit.	93(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government after affording the Board reasonable opportunities for stating its case, to rescind the order or to direct that it continue in force, with or without modification permanently or for such period as it thinks fit.
	Provision is ~~proposed to be~~ made for ascertaining the views of the Board before passing orders.

(Extraordinary powers of Deputy Commissioner in cases of emergency.)

94. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a District Board is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the service of safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

94. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work or the doing of any act, which a District Board is empowered to execute or do under sub section (i) of section 45 and the immediate execution or doing of which is in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

The extraordinary powers of the Deputy Commissioner are proposed to be restricted to such works and acts as fall under the obligatory duties of the Board.

x x x x x

z z z z

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section, and on receiving such report the Government may pass such orders as it deems fit.

The addition calls for no remarks.

Disputes. 97. If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more District Boards or between a District Board and one or more Municipal Councils, the matter shall be referred to the Government whose decision shall be final and binding.

Disputes

Disputes. 97. If any dispute ... decision of which this Regulation does not otherwise provide, arises between two or more District Boards or between a District Board and one or more Municipal Councils, or Village Panchayets, the matter shall be referred to the Government whose decision shall be final and binding.

also two words of the clause are omitted as unnecessary

There is no provision for the settlement of disputes between a District Board and one or more Village Panchayets. This is proposed to be inserted.

~~Section~~ clause
~~Section~~ 103 - proviso.

Provided that no person shall be convicted under this section by reason only of such person,

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board or

~~Section~~ clause
~~Section~~ 103-proviso.

Provided that no person shall be convicted under this section by reason only of such person,

(a) having a share in any joint stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation which shall contract with or be employed by or on behalf of the District Board, or

Vide ~~section~~ clause 11 for the reason.

Restrictions with respect to actions against District Board.

105. No action shall be brought against any District Board or any of its officers or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person, explicitly noting the cause of action and the name and the place of abode of the intended plaintiff.

105. No action shall be brought against any District Board or any of its officers or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person; ~~explicitly noting~~ the cause of action, and the name and the place of abode of the ~~intended~~ intending plaintiff: provided that in suits for the recovery of immovable property or for a declaration of title thereto, details regarding the relief sought need not be given.

Such notice shall state.

Notice of one month is not sufficient to come to a decision as to whether the suit may be compromised or defended. ~~It is proposed to enhance the~~ period ~~of~~ to two months.

is enhanced

calls for no remarks

the relief sought, the amount of compensation, if any claimed

Details as regards relief sought, amount claimed etc should find a place in the notice for the information of the Board. When the suit is for recovery of immovable property or for a declaration of title thereto, such details are not necessary.

Obstructions and encroachments upon public streets and open spaces.

107 (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure, or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer or aqueduct in such street, shall on conviction by a magistrate be punished with fine which may extend to Rs.25/-.

(2) The District Board shall havepower to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in chapter VII.

A fresh ~~section~~ clause is proposed ~~to be added~~, for making obstructions ~~on~~ on a public street ~~or~~ etc offences, ~~as also~~ giving the District Board power to remove such obstructions. The District Board have no such powers now.

108. It shall be competent to the Government to declare Transitory provision. that any District Board established under the Mysore Local Boards and Village Panchayets

This is another alternative to avoid an interregnum

under this Regulation until

prior to the commencement of this Regulation in the District shall be deemed to be a District Board established under this Regulation and exercise all the powers of a District Board until such date as the government shall in this behalf. The President, Vice-President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be deemed to have been appointed or elected under the provisions of this Regulation and their term of office shall expire on the aforesaid date fixed by the government.

duced into a District Either elections may held before hand, under proviso to sub-clause (1) of clause 1 or the District Board continued till such date as the government may fix. During this period elections may

Schedule I.

QUALIFICATIONS FOR VOTERS IN GENERAL CONSTITUENCY.

(See section 9.)

(1) A person shall be qualified as a voter in a general constituency who---

ii) is a Kadim tenant paying an annual rent of not less than Rs.25 per annum on account of land held by him in the constituency of to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(iii) Pays annually a tax on buildings or shops of not less than Rs.5/- in the constituency, or

(vii) pays income-tax to the Government and resides in the constituency.

Schedule I.

QUALIFICATIONS FOR VOTERS IN A GE

(See Section 9)

(1) A person shall be qualified as a general constituency who ---

(ii) is a Kadim tenant assessed to an a of not less than Rs.25 per annum on ac held by him in the constituency to the alienated village to which the provisi Chapters VIII to X of the Land Revenue been applied; or

(iii) is assessed to an annual tax or shops of not less than Rs.5/- i tuency, or

(vii) is assessed to incore-tax t ment and resides in the constitue

~~SCHEDULE II.~~

Which premises may not be license.
ection 55)

x x x

(b) as a hotel, bakery, sweetmeat shop or for the sale of articles intended for human food or drink;

(c) for any of the purposes mentioned hereunder--

~~(3)~~xxxx x x x x x

(3) for sorting hides, horns or skins.

x x x x x x

SCHEDULE II.

Purposes for which premises may not be used without a license.
(See section 55)

~~(b) as a hotel, bakery, sweetmeat~~ shop
(b) as a dairy, hotel, restaurant, ... house, coffee house, sweet-meat shop, ... keeping, boarding house or lodging house (other than a Sportsmen's Hostel with ... public or recognised control), or for manufacturing ice or aerated waters;

(c) for any or the purposes mentioned hereunder--

(3) for storing hides, horns, skins, or organic manure.

x x x x

'sorting' is a mistake for 'storing'. Organic manure is ~~proposed to be~~ added to the list.

SCHEDULE III.

Maximum rate of Tolls
(See section 66)
On every motor car

SCHEDULE III

Maximum rates of tolls.
(see section 66)

	Rs.as.p.
1. On every motor bus as defined in the Motor Vehicle Rules.	2- 0- 0
2. On every motor car	1-0-0

Rs-as-p 1-0-0

The maximum rate of ~~toll~~ ... in the case of Motor Busses is ~~proposed to be~~ inserted.